**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

205 (2)

**CRM-M-28156-2022**
**Date of decision: 29.07.2022**

**GURPREET KAUR** ....Petitioner

**Versus**

**STATE OF PUNJAB** ...Respondent

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

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**VINOD S. BHARDWAJ. J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.0038 dated 13.05.2022 registered under Sections 306 and 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Kheri Gandain, District Patiala.

2. The brief facts of the case of prosecution are that present case has been registered against the petitioner-accused alongwith other co-accused on the statement of Balkar Singh son of Late Sunder Singh resident of village Alal Majra, PS Kheri Gandian on the allegations that he has three sons and one daughter. His one son Harbhajan Singh was married to Gurpreet Kaur (accused-petitioner) about 9/10 months ago and that they started residing separately from them after two months of their marriage. His son Harbhajan Singh was troubled by Gurpreet Kaur

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and father of Gurpreet Kaur namely Kala Singh on small matters. Mother in law of his son namely Sarabjit Kaur and brother in law Parminder Singh were residing in the house of his son since 11.05.2022. Gurpreet Kaur, Parminder Singh and Sarabjit Kaur were quarreling with his son Harbhajan Singh and were telling him to die. That his son has been forced to die by the aforesaid persons and on 13.05.2022 at about 9.30 A.M. he committed suicide by jumping in canal. On the basis of statement, FIR has been registered, petitioner-accused has been arrested and investigation is pending.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner is the widow of the deceased Harbhajan Singh. As per the allegations leveled in the FIR, the parents of the petitioner had come over to her house and there was some altercation with Harbhajan Singh (husband of the petitioner) and that co-accused Sarabjit Kaur is alleged to have exhorted Harbhajan Singh to jump in the canal. It is argued that the petitioner is not attributed any exhortation or participation that would constitute aiding and abetting in commission of suicide. Any domestic dispute between husband and wife in relation to trivialities cannot form the basis of attracting the mandate of Section 107 IPC. He further contends that the petitioner is in custody since 29.05.2022 and that as per the OPD slip dated 07.06.2022 she was pregnant and was carrying a foetus of 32 weeks old. She has now been blessed with a child and that the said minor child is also in custody along with the petitioner. He submits that there are no criminal antecedents of the petitioner and investigation in the case is already concluded and final report has been filed. He further contends

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that protracted custodial detention of the petitioner along with her newly born child is not likely to advance any interest of the investigation. He further submits that the other co-accused of the petitioner namely Harmeet Singh @ Kala-father of the petitioner has already been granted concession of anticipatory bail.

4. Ms. A.K. Khurana, DAG, Punjab however submits that the petitioner was also amongst the family members who had started up an altercation/dispute with Harbhajan Singh and that he committed suicide as a result thereof. It is however not disputed by her that no suicide note has been recovered during the investigation which already stands concluded. Factum of the petitioner have delivered a child is also not a subject matter of dispute.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration the circumstances noticed above, the period of custody, the clean antecedents, the stage of investigation as well as benefit extended to the similarly placed co-accused and the fact that the petitioner being a woman also has to take care of a newly born child, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any

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threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

**(VINOD S. BHARDWAJ)**
**JUDGE**

**JULY 29, 2022**
*vishal sharma*

*Whether speaking/reasoned : Yes/No*
*Whether reportable : Yes/No*

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