

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

223

CRM-M-28837-2022
Date of decision: 13.07.2022

MANPREET KAUR @ MANI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 116 dated 09.09.2021 registered at Police Station Sadar Sangrur, District Sangrur, wherein, offences constituted under Sections 306 and 34 of the IPC, are embodied.

2. The present bail petitioner is the wife of deceased Jagpinder Singh. The prosecution alleges against the present bail petitioner, that on account of hers harassing her deceased husband, thereupon, the deceased being abetted to commit suicide. After completion of investigations in respect of the petition offences, the investigating officer concerned, has filed a report under Section 173 Cr.P.C., wherein, he has made an attribution of criminality against the accused therein, qua theirs committing a offence punishable under

Section 306 of the IPC.

3. The Chemical Analyst concerned, who made an examination of the viscera of the deceased, as became transmitted to him, has in his report opined that no poisonous substance was detected therein. Therefore, the medical practitioner has opined, that the cause of demise of the deceased became aroused from '*ASPHYXIA*' owing to *ASPIRATION*. It appears, that the deceased committed suicide, not through his consuming any poisonous substance, but rather committed suicide, through his using a smothering material/item, which ultimately fatally suffocated him. Since no ante-mortem injury is stated by the learned State counsel to become carried in the post mortem report, as, prepared in respect of the deceased, thereupon, the above made inference qua the cause of demise of the deceased, does prima facie, become fortified.

4. The incriminatory role as attributed to the present bail petitioner, and, to the other co-accused, stems from each, harassing the deceased. If the above harassment, was amenable for being construable, as the relevant penally inculpable, *actus reus*, thereupon, it became enjoined, upon, the author of the complaint, to narrate therein, hence with precisions of timings, about the makings of harassment by the accused qua the deceased, and, also, qua theirs palpably being of a magnitude, and, enormity, which ultimately could be construed to abet the deceased to commit suicide. The above precise timing(s) of happenings of the relevant instigatory factum, may have made it fall within the ambit of the principle of proximity, rather with the ultimate

commission of suicide by the deceased. However, a deep reading of the FIR reveals, that the purported instigation, or, the abetting fact, remains un-narrated therein, hence with any precision of timing qua its happening, and, nor, it can be concluded, that it was proximate to the deceased committing suicide, nor, it can be concluded, that the purported instigatory fact, is amenable for being construable to be a penally inculpable abetting fact.

4. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of hers fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into judicial custody, in the month of February, 2022, therefore, her judicial incarceration is not required to be any further prolonged, as thereupon, her personal liberty would become unnecessarily fettered, and, curtailed.

5. Therefore, the instant petition is allowed, and, the petitioner bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to her furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to hers not tampering with prosecution evidence, and, also hers not influencing prosecution witnesses, and, besides hers appearing before the trial Court concerned, as and when directed to make her personal

appearance unless validly exempted.

6. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

13.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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