

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

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**CRM-M-32808-2022
Date of decision: 02.08.2022**

KALSOOM ALIAS KARSOOM ALIAS SEEMA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

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 FIR No.24 dated 06.04.2021 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Hathur, District Ludhiana Rural (Annexure P-1).

2. The brief facts of the prosecution case are that FIR in question was registered against petitioner and others on the statement of complainant Sarian. In her statement, the complainant stated that her son Raju Khan got married to Seema @ Karshoom (petitioner) about 9 years ago and out of the said wedlock, three daughters were born but there had always remained dispute between her son and daughter-in-law due to illicit relation of her daughter-in-law Seema-accused/petitioner with one Harvinder Singh of her village. She and her

son tried to make understand but she did not mend her ways. Brother-in-law (Saadhu) and sister-in-law (sali) of her son Raju also threatened her son that he can do whatever he wants, petitioner-accused would remain in a relationship of Harvinder Singh. She further stated that on 06.04.2021, her daughter-in-law visited her village. On coming to know, her son Raju went to bring his wife back but she did not come back home. Feeling ashamed, her son came back home and at about 4 P.M, her son Raju committed suicide by strangulating himself by hanging scarf (dupatta) on the ceiling fan. On seeing it, she caused uproar and then, her neighbours Karamdeen and Baldev Singh came and they got her son down by removing dupatta from the fan but her son was found dead. During investigation of this case, petitioner-accused and her associates were arrested in this case. Now, petitioner-accused is in custody since 09.06.2022.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner was residing separately from her husband and the deceased Raju Khan committed suicide suspecting that the petitioner had physical intimacy or relationship with co-accused Harinder Singh @ Raju. He contends that merely because the petitioner was not happy in the matrimony with the deceased and prefer to stay away cannot *ipso facto* be presumed to be an abetment by means of aiding or instigating the commission of offence of suicide. He further contends that the suicide note purportedly written by the deceased does not demonstrate any harassment, aiding or instigation by the petitioner. It is also stated that even though the investigation in the case has already been concluded, however, there is nothing to substantiate that

the petitioner had ever resorted to harassing or black-mailing the deceased. He submits that the investigation in the case is already complete and that the petitioner is in custody since 09.06.2022.

4. Per contra, learned counsel appearing on behalf of the State of Punjab contends that the deceased had mentioned the name of the petitioner in the suicide note that was sent by him. It is also alleged that even on the date when the deceased committed suicide she came to the village and that when the deceased came to pick her up, she refused to accompany him. It is however not disputed that the investigation in the case is already complete and that a final report has been filed. Charge has not yet been framed.

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 fact that the petitioner is a female aged 28 years alongwith absence of any evidence to show that she had harassed or blackmailed the deceased and taking note that as per the claim of the petitioner she was residing separately from the deceased, 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 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

AUGUST 02, 2022
vishal sharma

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