

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

**CRM-M-42203 of 2021
Date of Decision:- 27.04.2022**

Yamini

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vinod Ghai, Senior Advocate
with Mr. Edward Augustine George
& Ms. Kanika Ahuja, Advocates
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

None for the complainant.

KARAMJIT SINGH, J.

Prayer is for grant for regular bail to the petitioner in case having FIR No.370 dated 01.11.2020 registered under Section 304 of IPC, (later on offence under Section 302 read with Section 34 of IPC added) at Police Station Sohana (under Investigation of CIA Staff, Kharar, Punjab.

The Senior Counsel for the petitioner contends that the petitioner has been falsely named as an accused in the present case by

her father-in-law Balwinder Singh on the basis of suspicion only. The Senior counsel further contends that no doubt, the petitioner got married with Jaskaran Singh son of aforesaid Balwinder Singh, but later on both of them started living separately due to strained relations. He further contends that in this regard, the petitioner lodged different complaints to the police in July, 2020 (Annexures P-2 & P-3). He further contends that no incriminating article was recovered from the petitioner who is in custody for the last about 9 months. He further contends that the complainant and other material witnesses have been examined by the Trial Court and it will take time for culmination of trial. So a prayer is made that petitioner be released on regular bail.

The present petition is opposed by the State counsel who submitted that as per the medical record, deceased Jaskaran Singh died due to strangulation. The State counsel further contended that the petitioner was having strained relations with her husband Jaskaran Singh. So the State counsel made prayer that present petition be dismissed.

I have considered the rival contentions of the counsel for the parties.

Undoubtedly, petitioner got married with Jaskaran Singh, whose dead body was found from the pit near village Sambhalki and accordingly FIR was registered at the instance of Balwinder Singh father of the deceased. In the FIR which is dated 1.11.2020,

Balwinder Singh reported to the police that Jaskaran Singh's death appears to have been caused due to consumption of drugs and some unknown persons had given drugs to his son for consumption knowing that it can cause death.

As per the opinion given by doctor the cause of death in this case was due to strangulation. The petitioner was arrested in the present case on 31.07.2021. After completion of investigation challan was presented and charges were framed and trial is going on. As per attested copies of statements supplied by the Senior Counsel for petitioner, it appears that complainant Balwinder Singh and some other witnesses have already been examined by the trial court. From the perusal of aforesaid statement of Balwinder Singh, PW2, it transpires that petitioner and her husband Jaskaran Singh decided to live separately. Even PW3 Gurjant Singh also admitted that matrimonial dispute was going on between Jaskaran Singh and his wife Yamini and they were residing separately. The entire case is based upon circumstantial evidence. The material witnesses have already been examined. In these circumstances there would be no apprehension, that if released on bail, the petitioner is going to pressurize the complainant and other material witnesses. Further, it will take long time for conclusion of the trial. No purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the

petitioner is hereby ordered to be released on regular bail during the pendency of the trial subject to her furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

27.04.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No