

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230

CRM-M-40058 of 2022
Date of Decision:08.09.2022

Jyoti

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.427 dated 18.07.2022, under Sections 306, 34 of the IPC, registered at Police Station City Narnaul, District Mohindergarh.

The learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 36 years and she is also having a newly born child of the age of about one year and he is also in jail with the petitioner. He submitted that the allegations in the present case were with regard to the fact that the husband of the petitioner had committed suicide and the petitioner was allegedly responsible for the same. Learned counsel submitted that even perusal of the FIR and as per the prosecution story itself, it can be seen that the basic ingredients of Section 306

read with Section 107 of the IPC were not fulfilled since there was no direct intimidation or abetment to commit suicide nor the circumstances were such which compelled the husband of the petitioner to commit suicide but it was due to the temperament of the deceased who was the husband of the petitioner that due to the matrimonial dispute between them, he committed suicide. He further submitted that be that as it may it is yet to be ascertained at the time of trial as to whether the aforesaid ingredients are fulfilled or not but considering the fact that the petitioner who is in custody from 01.08.2022 may be entitled for grant of regular bail. He submitted that the peculiar circumstances of the present case wherein the petitioner being a lady of 36 years of age with one year old child staying with her in jail itself, may be considered for grant of regular bail to the petitioner.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 01.08.2022 and a small child of one year is with the petitioner in the jail. He has however submitted that the matter is still under investigation.

I have heard the learned counsel for the parties.

The petitioner who is a lady of the age of 36 years and there is a one year old child staying with her in jail. The matter pertains to allegations against the petitioner with regard to abetment to commit suicide of her husband. Perusal of the FIR would show that there was a matrimonial dispute between the petitioner and her husband.

In view of the aforesaid peculiar facts and circumstances wherein the petitioner is a lady and she is having a one year old child with her in jail, this Court is of the view that it is a fit case to grant the regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 08, 2022
dinesh

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