

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M- 43744 of 2022

Date of Decision: 01.12.2022

Punam Rani

....Petitioner

Versus

State of Punjab

.....Respondent

2)

CRM-M-51081 of 2022

Rano Bai @ Rani

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Neeraj Madaan, Advocate,
for the petitioner in CRM-M-43744 of 2022.

Ms. Riffi Bala Birla, Advocate,
for the petitioner in CRM-M-51081 of 2022.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Both the cases are taken up together for final disposal with the consent of learned counsel for the parties as both arise out of the same FIR and the prayer in both the cases is for the grant of regular bail in FIR No.0066 dated 09.05.2022, under Sections 302, 34 IPC (offence under Section 302 IPC has been deleted and offence under Section 306 IPC added later on), registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner has submitted that the petitioner (in

CRM-M-43744 of 2022) is in custody from 10.08.2022 and the learned counsel for the petitioner has submitted that the petitioner (in CRM-M-51081 of 2022) is in custody from 02.08.2022. They have submitted that the investigation of the case has already been completed and thereafter, challan has been presented before the competent Court. It is submitted that initially the FIR was registered under Section 302 IPC since the allegations in the FIR were with regard to causing of death by putting *Parna* around the neck. However, during the course of investigation police found that it was not a case of 302 IPC but it was a case under the provisions of Section 306 IPC because an audio recording was recovered in which it was stated by the deceased that he was committing suicide because he had a doubt that the petitioner Rano Bai @ Rani had illicit relation with Mukhtiar Singh, who is a co-accused. Learned counsels further submitted that the aforesaid co-accused Mukhtiar Singh has already been granted bail by this Court under the provisions of Section 438 of the Code of Criminal Procedure vide order dated 20.09.2022 in CRM-M-41214 of 2022. They further submitted that be that as it may, now challan has been presented under Section 306 IPC and even as per the audio recording which was allegedly recovered itself demolishes the prosecution story by which the allegation was made with regard to committing of murder. Learned counsel further submitted that even going by the audio recording itself assuming even for the sake of arguments still the ingredients of Sections 306 and 107 IPC are not fulfilled because there was no element of abetment and therefore, offence under Section 306 IPC was not made out.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab on instructions has submitted that it is correct that the petitioner (in CRM-M-43744 of

2022) is in custody from 10.08.2022 and the petitioner (in CRM-M-51081 of 2022) is in custody from 02.08.2022 and the investigation of the case has already been completed and the challan has been presented to the competent Court after deleting Section 302 IPC and after adding Section 306 IPC.

I have heard the learned counsel for the parties.

It is a case where earlier the FIR was lodged under Section 302 IPC but during the course of investigation, the police had deleted Section 302 IPC and inserted Section 306 IPC and the investigation of the case has been completed and the trial of the case may take long time. The other co-accused namely Mukhtiar Singh has already been granted bail under the provisions of Section 438 of the Code of Criminal Procedure by this Court.

Therefore, without commenting anything on the merits of the case, this Court deems it fit and proper to grant the concession of regular bail to both the petitioners. Consequently, both the petitions are allowed. The petitioners 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 expression of opinion on merits of the case and is only meant for the purpose of decision of these two petitions.

(JASGURPREET SINGH PURI)
JUDGE

November 30, 2022

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