

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

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CRM-M-42393-2022 (O&M)

Date of decision: 09.11.2022

KIRAN BALA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. CS Rana, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.155 dated 27.12.2021, registered at Police Station City Kurali, District SAS Nagar, under Sections 306 and 34 IPC.

Status report by way of an affidavit dated 19.10.2022 of the Deputy Superintendent of Police, Sub-Division Kharar-II, District SAS Nagar (Mohali), filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with Lalit Kumar (since deceased) on 20.05.2018, whereas Lalit Kumar committed suicide on 27.12.2021; that on 23.06.2020, the petitioner was thrown out of the matrimonial home by her in-laws on account of non-fulfillment of their dowry demands; that in the application filed by the petitioner, before the Senior Superintendent of

Police, Hoshiarpur, the matter was compromised between the parties and that the petitioner filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005. He further submits that there was a matrimonial dispute between the petitioner and her husband and therefore, she had been residing in her parental home since 12.08.2021; that the petitioner also gave birth to a child on 07.02.2022 and that the challan has been presented and charges have been framed. Still further, it is submitted that though in the suicide note written by the deceased, the petitioner and her family members are specifically named, yet the only allegation leveled by the deceased is that the petitioner and her family members have ruined his life by disrespecting him time and again. It is further alleged by the deceased that he was not properly looked after by the petitioner at the time when he met with an accident and got his leg fractured.

Learned counsel for the petitioner further submits that co-accused, namely, Santosh Kaur, has already been granted the concession of regular bail by this Court on 23.03.2022 and that the petitioner has been in custody since 26.08.2022.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has specifically been named in the suicide note written by the deceased-husband and that there are specific allegations against the petitioner.

I have heard the learned counsel for the parties.

The petitioner is a lady, having an eight-months old child in her lap and has been in custody since 26.08.2022. Lalit Kumar (husband of the petitioner) committed suicide, when the petitioner was at her parental home. In a compromise effected between the parties, it has specifically been mentioned that the deceased will give all the rights of wife to the petitioner and thereafter, they have started living together as husband-wife. The co-accused has already been enlarged on bail. Prosecution evidence is yet to conclude. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(HARNARESH SINGH GILL)
JUDGE

09.11.2022

Aman Jain

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No