

CRM-M-48822-2021

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

CRM-M-48822-2021

Date of decision: 25.05.2022

Pallavi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Chanchal K. Singla, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.171 dated 29.06.2020, registered at Police Station Rama Mandi, Jalandhar, under Sections 306 and 34 IPC.

Learned counsel for the petitioner contends that the above-noted FIR was registered on the statement of Rajesh Mehta, brother of deceased-Ashwani Kumar; that marriage of the petitioner was solemnized with the deceased in the year 2006 and out of the said wedlock, two children were born.

Learned counsel further submits that Ashwani Kumar (since deceased) had committed suicide after consuming some poisonous substance; that the petitioner and co-accused Vikram Gupta have been specifically named in the suicide note left by the deceased, with the allegations that she had left him (the deceased) and joined the company of Vikram Gupta; that aforesaid co-accused Vikram Gupta has since been

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granted the concession of regular bail by this Court, vide order dated 08.02.2022 passed in CRM-M-437-2022; that the complainant while stepping into the witness-box as PW 1, has not supported the prosecution version and has been declared hostile, and that the petitioner has been in custody for the last more than one and half years. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that when the deceased came to know about the illicit relationship of the petitioner with the co-accused, he had committed the suicide; that the petitioner and the co-accused have been specifically named in the suicide note left by the deceased and that as per the suicide note, it was the petitioner who had deserted the deceased and developed a relationship with the co-accused. However, he does not dispute the fact that PW 1 Rajesh (complainant) has been declared hostile.

I have heard the learned counsel for the parties.

Though the petitioner and the co-accused have been specifically named in the suicide note left by the deceased, but the fact remains that the complainant-brother of the deceased, while stepping into the witness-box, has not supported the prosecution version and has been declared hostile.

The petitioner has been in custody for the last more than one and half years. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, the co-accused has since been granted the concession of regular bail. Moreover, the petitioner is to look after her two minor children. In such circumstances, this Court

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finds that no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

25.05.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No