

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47905-2022
Date of decision : 21.10.2022

Sharanjeet Kaur alais Sharan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pridhi Jaswinder Sandhu, Advocate and
Ms.Manpreet Singh Kanda, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.46 dated 28.02.2022 registered under Section 306 IPC at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 01.03.2022 and the investigation is complete and the challan has already been presented and there are 13 witnesses and out of which, 2 have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. The petitioner is a 20 year old lady and has a minor daughter of 1 ½ years and in the present case, there is no suicide note. It is further submitted that the petitioner has been falsely implicated in the present case at the behest of Surjit Kaur, the mother of deceased Gurpreet Singh, and as per evidence of PW-1 Gaurav, who is the neighbour of complainant Surjit Kaur, he has

stated in his cross-examination that the mother of Gurpreet Singh was not ready for the marriage of Gurpreet Singh with petitioner Sharanjeet Kaur. It is also submitted that even in case the allegations levelled in the FIR to the effect that the petitioner was forcing the deceased to get married to her, are taken on face value, then also, the offence under Section 306 IPC is not made out.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner has been specifically named in the FIR and had harassed the deceased on account of which the deceased had committed suicide.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is young lady of 20 years and has a minor daughter of 1½ years and has been in custody since 01.03.2022 and the investigation is complete and the challan has already been presented and there are 13 witnesses, out of which 2 have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. There is no suicide note in the present case. Perusal of the cross-examination of PW-1 Gaurav, who is the neighbour of the complainant, shows that it was the complainant, who was mother of Gurpreet Singh, that was not ready for the marriage of Gurpreet Singh with petitioner Sharanjeet Kaur. The allegation levelled in the FIR is to the effect that the petitioner was forcing the deceased to perform marriage with her and to maintain her daughter. The question as to whether, on the basis of the said allegation, the offence under Section 306 IPC is made out or not, would be determined during the course of the trial.

Keeping in view the above said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 21, 2022
Davinder Kumar

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