

(223) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47163-2022
Date of Decision: 18.10.2022

PARAMJIT KAUR @ NIKKI

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, Asst. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.48 dated 29.04.2022 registered under Section 306 IPC with Police Station Badhni Kalan, District Moga.

2. The present FIR came to be registered at the instance of Lakhwinder Singh son of Billu who stated that he was a labourer. Rajinder Singh, deceased, his relative, was married to Paramjit Kaur @ Nikki daughter of Bohar Singh (the present petitioner) and one son was born to them who was of the age about 02 months. Paramjit Kaur @ Nikki developed illicit relations with their neighbour Labbha Singh @ Labhpreet Singh and Rajinder Singh had restrained Labbha Singh @ Labhpreet Singh from coming to their house. However, the said Labbha Singh @ Labhpreet Singh repeatedly came to their house and this fact was discussed by the deceased

Rajinder Singh with him (complainant). Subsequently, Rajinder Singh who was working as a labourer on a brick kiln had come home for lunch and saw that his wife Paramjit Kaur @ Nikki (the petitioner) was not home. When he went to the house of Labbha Singh @ Labhpreet Singh, then he saw that the door of the room of Labbha Singh @ Labhpreet Singh was closed and the window was lying open. He saw them both in a naked condition and on being asked to open the door Labbha Singh @ Labhpreet Singh refused to do so. The neighbours were called and seeing the gathering Labbha Singh @ Labhpreet Singh opened the door and left from there and Paramjit Kaur @ Nikki also came to her house. Pursuant thereto Paramjit Kaur @ Nikki informed her husband Rajinder Singh that she did not want to reside with him and did not care if he died. She along with her son went away to some undisclosed place with Labbha Singh @ Labhpreet Singh. Due to this reason Rajinder Singh remained upset and on 29.04.2022 committed suicide by hanging with the ceiling fan with the help of a *Dupatta*.

3. The learned counsel for the petitioner contends that the allegations in the FIR are baseless. The deceased had not made any complaint against the petitioner regarding her alleged illicit relations with co-accused Labbha Singh @ Labhpreet Singh. No Panchayat was convened in this matter. In fact, the complainant used to taunt the deceased that he had been brought up by the complainant parent's money and this is what led to the deceased committing suicide. The FIR had been registered merely on suspicion without any *prima facie* material to connect the petitioner with the suicide of the deceased. There was no suicide note nor any dying declaration as per the FIR. He contends that taking the allegations to be correct, no

offence under Section 306 IPC was made out. Even otherwise, the co-accused Labbha Singh @ Labhpreet Singh had been granted the concession of interim bail by this Court vide order dated 23.08.2022 passed in CRM-37211-2022 and since the petitioner has been in custody since 29.04.2022 and none of the 13 prosecution witnesses had been examined, the petitioner being a lady deserved the concession of regular bail, moreso, when she had one infant child to look after.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. The allegations against her are serious inasmuch as she is stated to have been having illicit relations with Labbha Singh @ Labhpreet Singh and on being seen in a compromising position, the deceased committed suicide. He thus, contends that the petitioner does not deserve the concession of regular bail, though he admits the period of custody undergone by the petitioner as also the stage of trial.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner is a lady with an infant child. She has been in custody since 29.04.2022. The investigation stands completed and 13 prosecution witnesses are cited in the list of witnesses none of whom have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. It would be a matter of adjudication during trial as to whether the allegations as they stand would amount to the commission of offence under Section 306 IPC. At this stage, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Paramjit Kaur @ Nikki wife of

Rajinder Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.10.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No