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

CRM-M-50658-2022

Date of decision : 01.12.2022

Rekha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.196 dated 10.08.2022 registered under Sections 306 and 34 of the Indian Penal Code, 1860 at Police Station Chheharta, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner has submitted that the petitioner is a 53 year old lady and has been falsely implicated in the present case. It is further submitted that the petitioner is in custody since 15.08.2022 and investigation is complete and challan has been presented and there are 15 prosecution witnesses, out of which, none have been

examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is contended that in the present case, there is no suicide note and FIR has been registered on the statement of the brother of the deceased to the effect that his brother had given a sum of Rs.1,15,000/- to the accused persons and the accused persons were not returning the same and were insulting the deceased and for the said reason, the brother of the complainant committed suicide. It is further contended that the allegations, even if taken to be true on its face value more so, against the petitioner, would not constitute any offence under Section 306 of IPC.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner has been specifically named in the FIR and thus, does not deserve the concession of bail.

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

Keeping in view abovesaid facts and circumstances more so, the facts that the petitioner is in custody since 15.08.2022 and investigation is complete and challan has been presented and out of 15 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and the fact that the petitioner is a 53 year old lady and is stated to be not involved in any other case and no suicide note has been left behind by the deceased, the present petition is allowed and the petitioner is ordered to be released on regular bail on her

furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 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 an 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 application.

01.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No