

GURBAX KAUR ALIAS GURBAKSH KAUR ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arnav Sood, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 105 dated 31.10.2022 under Section 306 IPC, registered at Police Station Sadar Nawashahar, District SBS Nagar.

Custody certificate has been taken on record.

Briefly, the FIR has been registered on the basis of the statement of the father-in-law of the petitioner alleging that the husband of the petitioner is residing in Australia for the last about 6 years. The petitioner along with her children is residing with the family of the complainant and had been entering into frequent quarrels with the deceased i.e. the wife of the complainant. On 31.08.2022, the petitioner had given beatings and fought with the deceased, who was aged about 65 years. The deceased had committed suicide by consuming some poisonous substance, being fed up and on account of harassment meted out to her by the petitioner.

Learned counsel for the petitioner contends that the FIR has been lodged on the basis of the false allegations without any specific instance. There are false and vague allegations attributed against the petitioner. At the earlier instance, the petitioner had submitted a complaint, Annexure P-1 to the Officer, In-Charge, Police Station Sadar Nawashahar imputing allegations against her husband and other family members. A compromise, Annexure P-2 was effected on 04.09.2022. The parents-in-law of the petitioner had been stopping her from visiting the parental house. In pursuance of the compromise, it was settled that they will not stop her from visiting her parental family. On 31.10.2022, the petitioner had gone to her parental house though some resistance was offered by the deceased. The occurrence took place when she was in her parental house. The deceased had not left any suicide note. No injury has been found on the person of the deceased in the post-mortem examination. The custodial interrogation of the petitioner is complete and she has been remanded to judicial custody.

Learned State counsel has opposed the bail application on the score that the investigation of the case is still pending. There are categorical allegations levelled against the petitioner with regard to abetment which forced the deceased to commit suicide.

It may be mentioned here that as per the allegations in the FIR, on the day of occurrence, the petitioner had given beatings to the deceased but it has not been disputed that no injury marks were found on the person of the deceased in the post-mortem examination. No specific instance has been pointed out in the FIR. The deceased had not left any suicide note. It will be a debatable and moot point during the course of trial as to whether

the family dispute could be termed to be a sufficient ground to indicate instigation on the part of the petitioner which prompted the deceased to commit suicide. The custodial interrogation of the petitioner is complete and she has been remanded to judicial custody. The completion of investigation and conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

08.12.2022

Janki

(VIVEK PURI)
JUDGE

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