

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-831-2023

Date of decision: 25.04.2023

Sukhwinder Kaur

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. N. S. Dandiwal, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 143 dated 30.08.2022, under Sections 306 and 34 IPC registered at Police Station Nihal Singh Wala, District Moga.

2. Learned counsel contends that the petitioner has been in custody for the last about 8 months, having been arrested on 12.09.2022. The petitioner has been implicated on the ground of her strained relations with the deceased, who was restraining her from going to Malaysia where she was working. Though, charges have been framed on 24.11.2022, however, none out of 15 prosecution witnesses have been examined. She is not involved in any other case. She has 3 children out of whom two are minor and third child is pursuing Bachelor of Arts. There is no suicide note left by the deceased.

3. Custody certificate filed by the learned State counsel is taken on record, as per which the petitioner has been in custody for the last 7 months and 14 days.

4. Learned State counsel assisted by learned counsel for the complainant opposes the bail on the ground that the petitioner is specifically named in the FIR and as per the allegations, it is due to the maltreatment meted by her, that led the deceased to commit suicide. However, Learned State counsel is unable to controvert the other submissions with regard to the stage of the trial and the petitioner being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case particularly that the petitioner has been in custody for the last 7 months and 14 days; is not involved in any other case; charges have been filed but none out of 15 prosecution witnesses have been examined as yet; the trial is likely to take considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the

case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse her liberty.

7. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

8. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

25.04.2023

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