

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1625-2023 (O & M)

Date of decision:17.01.2023

Nisha Rani

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gurvinder Singh Aulakh, Advocate, for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case bearing FIR No.0093 dated 19.06.2022 under Sections 306, 34 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. The present FIR came to be registered at the instance of Sukhdev Ram who stated that he was a labour and had four daughters and a son, namely, Ranjit Kumar. His son-Ranjit Kumar (deceased) was married about 07 years back with Nisha Rani (petitioner). They had two children. His daughter-in-law was having illicit relations with Manpreet Singh @ Meva Singh. On 17.06.2022, the complainant and his wife, namely, Nirmla Devi after paying obeisance at the Gurudwara Sahib returned home and at that time, his son Ranjit Kumar @ Gaggu and his daughter-in-law were arguing with each other. He (complainant) and his wife tried to pacify them. However, his daughter-in-law (petitioner) told his son that she did not want

with Manpreet Singh @ Meva Singh. Thereafter, she left the house. His son Ranjit Kumar @ Gaggu after handing over his son Divansh to him (complainant) and giving his phone to his (complainant's) grand-daughter left the home. As he (deceased) did not come back in the evening, they started searching for him. When they reached near the twin canals of Husner-Gurusar Road and asked the passers by about his son, he was told that a person in semi-conscious state was lying in between the canals. When he (complainant) and Nikka Singh reached there, they saw that Ranjit Kumar @ Gaggu (deceased) was lying there in an unconscious condition. They got him admitted in Civil Hospital, Gidderbaha, from where he was referred to Civil Hospital, Bathinda, and then to G.G.S.M.C. Faridkot, where he passed away. His (complainant's) son died due to consuming some poisonous substance after getting upset by the illicit relationship of his wife-Nisha Rani (petitioner) with Manpreet Singh @ Meva Singh. Action was sought against the accused-petitioner.

3. The learned counsel for the petitioner contends that the prosecution version is completely false and baseless. The case against the petitioner is based on *hear say* evidence and bald allegations. Taking the prosecution case to be correct, no offence under Section 306 IPC was made out. In fact, the FIR had been registered after a gap of almost two days as the alleged occurrence is of the morning of 17.06.2022 and the FIR was registered on 19.06.2022 in the evening. The co-accused of the petitioner and the alleged paramour-Manpreet Singh @ Meva Singh has been granted the concession of anticipatory bail by this Court vide order dated 01.12.2022. Since the petitioner is in custody since 20.06.2022 and none of

the 24 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of bail. Besides, the petitioner is a lady with clean antecedents and had two minor children.

4. The learned counsel for the State, on the other hand, contends that the deceased-Ranjit Kumar committed suicide on account of the harassment by the petitioner. She was involved in an illicit relationship with Manpreet Singh @ Meva Singh. She had, therefore, rebuked the deceased and on being upset, he had committed suicide. Looking at the seriousness of the allegations, the petitioner did not deserve the concession of bail. He, however, admits that the petitioner is in custody since 20.06.2022 and none of the 24 witnesses had been examined so far and the petitioner is a first-time offender.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 20.06.2022 and none of the 24 prosecution witnesses had been examined so far. As such, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, the veracity of the allegations against the petitioner and her co-accused shall be adjudicated upon during the course of Trial. The co-accused of the petitioner, namely, Manpreet Singh @ Meva Singh has been granted the concession of anticipatory bail on 01.12.2022. Therefore, the further incarceration of the petitioner is not required.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Nisha Rani is ordered to be released on bail subject to her furnishing bail bonds

and surety bonds to the satisfaction of the Trial Court/Duty Magistrate,
concerned.

(JASJIT SINGH BEDI)
JUDGE

January 17, 2023
sukhpreet

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