

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

108+217

CRM-19872-2023 IN/&
CRM-M-5092-2023 (O&M)
Date of decision: 04.05.2023

CHARANJIT KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pardeep Kumar Kapila, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

Mr. L.S. Sidhu, Advocate for the complainant.

AMAN CHAUDHARY. J.

CRM-19872-2023

For the reasons stated in the application, same is allowed. Annexures
P-9 and P-10 are taken on record subject to all just exceptions.

CRM-M-5092-2023

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.100 dated 23.10.2022, registered under Section 306 IPC at Police Station Jhunir, District Mansa.
2. Learned counsel contends that the petitioner is in custody for the last about 6 months. She is the mother-in-law of brother of the deceased. The allegations against her are vague insofar as instigation to commit suicide are concerned. There are allegations against the commission agents that there was some amount that was due to the deceased by them, which they were not paying,

due to which he was disturbed. He submits that her grand-daughter, who is 9-10 years of age is suffering from a neurological disorder and there is no one to look after her except her stepson. Charges were framed on 13.04.2023, however none out of 14 witnesses have been examined. She is not involved in any other case.

3. Status report by way of an affidavit of Gobinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa has been filed and is taken on record.

4. Learned State counsel assisted by learned counsel for the complainant opposes the bail on the ground that the petitioner was specifically named in the video recording of the deceased. He is however unable to controvert the submissions regarding custody, stage of the trial and that she being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that petitioner is in custody for the last about 6 months; she is not involved in any other case; though charges have been framed on 13.04.2023, out of 14 witnesses none has yet been examined; the trial is likely to take a considerable time, her further incarceration 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 her 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 abundantly clear that in case there is any breach 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, it is 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

04.05.2023
S.Sharma(syr)

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