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

CRM-M-9402-2023(O&M)
Date of Decision: 13.04.2023

SUNITA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. R.K. Manaise, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.117 dated 08.11.2022 registered under Sections 306 and 120-B IPC, registered at Police Station GhallKhurd, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the allegations leveled against the petitioner are frivolous and there is no truth in the same. It is further submitted that the alleged dispute was between deceased (Jaswinder Singh) and his wife i.e. co-accused Sonia and the petitioner had no concern with the same. Learned counsel submits that daughter of the petitioner namely, Sapna was married to complainant (Sonu) on 03.04.2011 and out of their wedlock, one son (Agam) was born, however, on account of matrimonial dispute, daughter of the petitioner (Sapna) was pushed out of the matrimonial home in the year 2019, upon which she filed a divorce petition bearing No.DMC/226/2019 dated 23.09.2019 before learned Family Court, Fazilka on the ground of cruelty. It is submitted that during

the pendency of this matrimonial dispute an unfortunate incident occurred on 08.11.2022, wherein, Jaswinder Singh and his brother Harpreet Singh, complainant's son Agam Singh and niece Gurleen Kaur @ Alice died when their car fell into the canal. It is submitted that complainant concocted a story and falsely roped the petitioner in present case due to ongoing litigation and personal grudge. Learned counsel also submits that the petitioner had no role to play in the alleged incident, nor she had any reason to harass and threaten deceased-Jaswinder Singh. It is contended that it would be a debatable issue during trial as to whether it is a case of accident or a case of suicide by Jaswinder Singh. It is stated that petitioner's own grandson (Agam) was also sitting in the car, who was also died in the incident. It is further submitted that investigation in this case against petitioner is complete and even challan has been present against her and she is in custody for more than 05 months and trial is likely to take time to conclude, hence no useful purpose would be served by keeping petitioner behind bars for indefinite period. It is also stated that co-accused are on anticipatory bail and the bail application moved by the petitioner has wrongly been dismissed by Additional Sessions Judge, vide its order dated 09.01.2023. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence. However, he does not dispute the fact that the challan against petitioner has been presented on 09.01.2023. It is also not disputed that the co-accused have been granted anticipatory bail and present petitioner has been in custody for the last more than 05 months.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of the petitioner.

In this case, the petitioner is a lady (aged about 52 years) and is behind the bars for the last more than 05 months. The challan in the present case has been presented against her on 09.01.2023, the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. Moreover, co-accused have been granted anticipatory bail.

Thus, without commenting on the merits of the case, petitioner-Sunita is ordered to be released on bail subject to her furnishing of bail/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about her address at which she intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish her telephone number to the concerned Station House Officer.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

13.04.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No