

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

(Sr. No. 212)

CRM-M No. 11481 of 2022

Date of decision : 16.03.2023

Karamjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Chahit Bansal, Advocate for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 237 dated 16.08.2021 registered under Section 306 IPC at Police Station Sadar Mansa, District Mansa.

The petitioner is being prosecuted for having abetted Dhandev Singh's suicide.

Learned counsel for the petitioner submits that the petitioner is a 33 year old lady with no criminal antecedents; she has been falsely implicated in this case; the petitioner is the mother of a 04 year old child who is living with the petitioner's parents; not only the investigation in this case is complete but also six prosecution witnesses have already been examined; similarly placed co-accused Mandeep Singh has been granted anticipatory bail by this Court; the petitioner is in custody since 25.08.2021; the complainant is an unreliable person as he has 04 criminal

cases pending against him and that even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegation against the petitioner would not constitute “abetment” under Section 107 IPC.

Learned State counsel admits to the period of incarceration of the petitioner as also the fact that other co-accused have been granted regular bail/anticipatory bail by this Court but opposes the grant of regular bail to the petitioner on the ground that she abetted Dhandev Singh's suicide and that in his suicide note Dhandev Singh has specifically named the petitioner to be responsible for his death.

Since the petitioner was the deceased's wife and it is alleged that the matrimonial dispute between them led to his suicide, it would be debated during the course of the petitioner's trial as to whether her alleged actions would constitute “abetment” under Section 107 IPC. Nonetheless, the petitioner is a 33 year old lady; she is the mother of a 04 year old child who is living with her parents; she has no other criminal antecedents; investigation in the case is complete; six prosecution witnesses have already been examined; through order dated 17.02.2022 this Court granted anticipatory bail to similarly placed co-accused Mandeep Singh and that the petitioner is in custody since 28.08.2021.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Mansa, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and

the same would not be construed to be an expression of opinion on the merits of the case.

16.03.2023
sunil yadav

(DEEPAK SIBAL)
JUDGE

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