

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.223)

CRM-M No. 12193 of 2023

Date of decision : 09.05.2023

Mamta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. APS Tung, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.55 dated 07.05.2022 registered under Sections 306/34 IPC at Police Station Kamboj, District Amritsar.

(2) Briefly stated, the case of the prosecution is that the petitioner was married to Gurpreet Singh (hereinafter referred to as the deceased); out of the wedlock one son was born to them; the petitioner had illicit relations with co-accused Ravinder Singh @ Rinku; because of the petitioner's extra marital affair the deceased felt insulted and therefore, he committed suicide.

(3) Learned counsel for the petitioner contends that the petitioner is a 23 year old lady; she has been falsely implicated in this case; even if the entire case of the prosecution is taken as the gospel truth, though

vehemently denied, the deceased's suicide on account of the petitioner having an extra marital affair would not constitute “abetment” under Section 107 IPC; consequently, Section 306 IPC would also not be attracted to the facts of the present case; the petitioner has no other criminal antecedents; she is in custody since 26.05.2022; the complainant has been partially examined and after him only official prosecution witnesses remain to be examined and that since 18 prosecution witnesses still remain to be examined in the petitioner's trial, the same will take a long time to conclude.

(4) Learned State counsel opposes the petitioner's plea for bail by submitting that the actions of the petitioner abetted her husband's suicide.

(5) Learned counsel for the parties have been heard at length and with their able assistance the records of the case have also been perused.

(6) Whether the petitioner's extra material affair with co-accused Ravinder Singh @ Rinku abetted her husband's suicide shall be debated during the course of the petitioner's trial. Nonetheless, the petitioner is a 23 year old lady; she has no other criminal antecedents; she is in custody for the last about one year; in her trial the complainant has been partially examined; after the complainant only official prosecution witnesses remain to be examined and that since 18 prosecution witnesses still remain to be examined, the petitioner's trial is likely to take a long time to conclude.

(7) 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, Amritsar, the petitioner is directed to be released on bail.

(8) 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.

09.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No