

CRM-M-15767-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229-2

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Date of Decision:-26.04.2023

SURJIT KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Jagjit Singh, Advocate
for the petitioner

Mr.Pankaj Khullar, AAG Punjab,
assisted by Sh.Tehal Dass Singh, ASI

Mr.B.D.Sharma, Advocate
for the complainant

ALOK JAIN, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.39 dated 22.02.2022 under Sections 304-B, 498-A and 34 IPC, registered at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner submits that there are no specific allegations against the petitioner qua harassing the deceased or asking for any dowry, as for more than 04 years, out of 05 years of marriage, the deceased was living at her parental home. He further submits that even taking the FIR, which is based on a communication between the son of the petitioner and the deceased, even therein, her name does not come up. More so, all the material witnesses have been examined and the

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petitioner is in custody since last more than one year.

Learned State counsel has filed the custody certificate dated 26.04.2023, which is taken on record.

Learned State counsel has vehemently opposed the grant of regular bail to the petitioner and submitted that it was at the instigation of the petitioner/mother-in-law that there was a matrimonial discord and the petitioner had been repeatedly instigating her son who was demanding dowry and causing harassment, which led to the death of the deceased.

After hearing learned counsel for the parties and the fact that all the material witnesses have been examined and the petitioner is in custody since 22.02.2022 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. She shall, however, be released on the following conditions:

1. The petitioner shall declare her ordinary place of residence and the mobile number used by her.
2. She will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in his absence.
3. She will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark her presence, she is permitted to make an application before the Illaqa Magistrate, concerned.
4. She will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also.

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The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing, stated above, shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

26.04.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No