

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-15356-2023

Date of decision: 04.07.2023

Paramjit Kaur @ Pawan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Sihag, Advocate and
Mr. K.D.S. Sidhu, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.165 dated 31.08.2022 under Sections 306/34 of the IPC registered at Police Station Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner is a young girl of 25 years, who has been falsely implicated in the case in hand for abetting the suicide of deceased Yadwinder Singh, son of the complainant. It has been further submitted that a perusal of the FIR which has been annexed as Annexure P-1 clearly reveals that the basic ingredients to attract the mischief of Section 306 of the IPC are clearly amiss in the case in hand. He submits that even assuming for the sake of arguments though not conceded that the petitioner had assured the deceased that she would solemnize marriage with him and thereafter had backed out from the promise made to the deceased as a

result of which the latter had ended his life, would not in any manner fall within the ambit of Section 306/107 of the IPC. He further submits that a suicide note allegedly left behind by the deceased was handed over to the police only after 03 days of the occurrence in question and till date no hand writing sample of the deceased had been provided to the investigating agency for comparison. It has been submitted that other than bald allegations levelled in the FIR in question qua the petitioner ditching the deceased and not marrying him no other material was on record from which the petitioner could be said to have abetted the suicide of the deceased. It has been urged that no useful purpose would be served to keep the petitioner behind bars as investigation is complete and none of the 44 prosecution witnesses have been examined till date after the charges were framed.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that there are specific allegations levelled in the FIR in question that the petitioner and the deceased had been in a relationship with each other and still further the petitioner had all along been assuring not only the deceased but also his mother that she would marry him. He submits that the petitioner, however, instead of marrying the deceased had established relations with her friend's brother which upset the petitioner to such an extent that feeling cheated he ended his life by consuming poison. Learned counsel for the State has not been able to dispute that after the charges were framed on 23.01.2023 none of the 44 prosecution witnesses have been examined till date.

4. I have heard learned counsel for the parties and perused the

material placed on record.

5. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as admittedly she has now been in custody for more than 10 months having been arrested on 02.09.2022. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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