

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

CRM-M-18144-2023

Date of Decision: 21.04.2023

Meenu @ Mahi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kulwinder Singh, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.72 dated 04.07.2022, registered under Section 306 IPC, at Police Station Koomkalan, District Ludhiana.

As per facts of the case, the FIR was lodged on the statement of complainant, namely, Gurmeet Singh, wherein, it was alleged that he has three children, out of which one is daughter and two are sons. His son namely Lovepreet Singh was aged 24 years and he had friendship with a girl namely, Meenu @ Maahi (petitioner) about six months earlier. Thereafter, he had no connection with that girl. On 01.07.2022 that girl came to his son Lovepreet Singh at his shop and pressurized him to marry her, but that girl was already married. On 03.07.2022 at about 9:00 p.m., the complainant got a message that condition of his son Lovepreet Singh is deteriorating and he was taken to Fortis Hospital, Ludhiana. However, during the treatment, his son died. It was alleged that his son consumed poison because of that girl Meenu @ Maahi. Request was made to take legal action against the culprit.

On the registration of FIR, investigation commenced. The petitioner was

arrested on 04.07.2022. The Investigating Agency completed the investigation and submitted the challan. The petitioner approached the Court of learned Sessions Judge, Ludhiana for grant of bail, who, after hearing the parties, declined the same vide order dated 22.12.2022. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of bail.

It has been contended by learned counsel for the petitioner that from the bare reading of the allegations made in the FIR, no offence under Section 306 IPC is made out as the essential ingredients constituting the offence under Section 107 IPC for abetment are not fulfilled. He submits that the allegations levelled against the petitioner are to the extent that the deceased had friendship with her and as she allegedly wanted to marry the deceased, he committed suicide. He submits that the petitioner is not a witness to any such threat given by the petitioner and thus, there is no evidence regarding the same. It is submitted that no *prima facie* case under Section 306 IPC read with Section 107 IPC is made out and the implication of the petitioner is writ large. He submits that even otherwise, the petitioner is behind bars since 04.07.2022 and investigation already stands completed; the charges are also framed and the complainant also stands examined. He has submitted that the petitioner has no criminal antecedents and thus, she deserves to be granted bail.

On the other hand learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the complainant is father of the deceased and he has made specific allegations regarding threat given by the petitioner to the deceased. He has submitted that the petitioner was already married, whereas, the deceased

was unmarried and thus, threat given by the petitioner would constitute offence under Section 107 IPC for abetting the deceased to commit suicide. He has submitted that as per the postmortem report, cause of death was consuming poison by the deceased. On instructions from ASI Major Singh, he submits that out of total 11 prosecution witnesses, 2 witnesses including the complainant have been examined and besides this, the petitioner is not involved in any other case.

Heard.

Admittedly, the petitioner is behind bars since 04.07.2022. The allegations made by the complainant in the FIR that being married the petitioner had relationship with his son and on the alleged threat given by her to his son, he committed suicide by consuming poison. Whether in the facts and circumstances the offence of abetment under Section 107 IPC is made out or not, would lie in the domain of the trial Court to be decided by it on the appreciation of evidence led by both the parties. There is nothing on record to show that the petitioner has any criminal antecedents. The material witness i.e. the complainant already stands examined. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion

on the merits of the case.

It is being clarified that if the petitioner does not furnish bail bonds in this case within a week, then his custody would not be counted in this case.

21.04.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No