

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

CRM-M-18740 of 2023

Date of decision: 13th July, 2023

Navita

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mohd. Yusuf, Advocate for the petitioner.
Mr. H. S. Sitta, DAG, Punjab.
Ms. Rishma Verma, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is second petition seeking regular bail in FIR No. 117 dated 18.9.2021, under Sections 306, 34 IPC, registered at Police Station Division No. 3, Jalandhar, District Jalandhar. The earlier petition was dismissed as withdrawn on 4.3.2022.

2. As per the case set up, on 18.9.2021, complainant-Arun Kumar (brother of the deceased) received a phone call from Anita and Navita (petitioner) that Mukesh Kumar (deceased) was breaking the glasses of the house. He went to the spot and found that glasses were broken. The deceased told the complainant that his clothes were lying in the room, the petitioner and the co-accused were neither giving the clothes nor allowing him to enter the room. He stated that he was fed up with them. The deceased went away and later after pouring petrol set himself ablaze. The backdrop of the incident is that the deceased was residing with his maternal uncle who had adopted the petitioner. After the death of maternal uncle, Anita (Massi) started living in that house.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 31.12.2021. The material witnesses have been examined. The petitioner is not involved in any other case. He further submits that the

ingredients of Section 306 IPC are not made out even if the allegations are taken on the face value.

4. Learned counsel for the State opposes the prayer for grant of bail. On instructions from ASI Satnam Singh, he submits that five prosecution witnesses including the complainant have been examined.

5. Learned counsel for the complainant opposes the prayer for grant of bail. She submits that a video recording of the deceased was produced by the complainant to support the allegations of abetment of suicide

7. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

8. It would not be appropriate for this court at this stage to comment on the merits of the contentions raised by learned counsel for the petitioner that ingredients of Section 306 IPC are not made out. However, considering that the petitioner is in custody since December, 2021, no further recovery is to be made, though material witnesses have been examined conclusion of trial is likely to take time and the petitioner has no criminal antecedents, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

13th July, 2023
mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No