

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-20079-2023 (O&M)

Date of decision: 08.05.2023

LAKHWINDER KAUR @ RANI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Puja Chopra, Advocate
for the petitioner

Mr. Kunal Vinayak, AAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.113 dated 01.09.2022, registered under Section 306 IPC, at Police Station Ghanaur, District Patiala.

2. Learned counsel contends that the petitioner is in custody for the last 8 months. The allegations levelled against her in the FIR are vague with regard to the deceased having been insulted, on account of which he had consumed poisonous substance. The ingredients to attract offence under Section 306 are not made out. About 15 days prior to the alleged incident, she was thrown out of the house and came to reside with her parents, with regard to which she had lodged a complaint dated 28.08.2022, Annexure P-5 with the police. Even in 2013, she was beaten up by her mother-in-law, pursuant thereto a panchayati compromise dated 27.09.2013 had taken place between them. She has 3 minor children aged 9, 7 and 4 years out of whom 2 are daughters. Her mother is 70 years old and no other member of the family is there to look after them, as even her brothers are behind

the bars in the present case. She is not involved in any other case. Charges have been framed on 02.05.2023. In total there are 16 prosecution witnesses.

3. The custody certificate dated 05.05.2023 filed by learned State counsel, which is taken on record. As per the same, the petitioner is behind bars for the last 8 months and 4 days. He on instructions from ASI Rajinder Kumar opposes the bail on the ground that the petitioner has been specifically named in the FIR. He is however unable to controvert the submissions made by learned counsel for the petitioner regarding the stage of the trial, her non-involvement in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 8 months and 4 days; not involved in any other case; charges have been framed on 02.05.2023; prosecution evidence is yet to commence; in all there are 16 witnesses, the trial is likely to take a considerable time, her further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.

5.

The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6.

The petitioner shall not in any manner misuse her liberty.
7.

The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8.

The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.
7.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
8.

In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

May 08, 2023
M.Kamra

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No