

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2023:PHHC:052581

(217)

CRM-M-23521-2022

Date of Decision: 17.04.2023

Manpreet Kaur

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. P.S. Gill, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

Mr. R.S. Sidhu, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.295 dated 7.11.2020 under sections 306 and 120-B IPC, registered at Police Station, City Malout, District Sri Muktsar Sahib.

As per factual matrix, the FIR in question was lodged by the husband of the deceased namely Shagun Lal, wherein it was alleged that his wife had borrowed a sum of Rs.2 lakh from Manpreet Kaur i.e. the present petitioner in December, 2018 on installments. His wife returned the money to Manpreet Kaur and asked her to return the cheques but she replied that it was their modus operandi to trap people with money. His wife was told by Manpreet Kaur that she owed her Rs.5 lakh and for which she had to take a hefty interest. His wife was being blackmailed by Manpreet Kaur. It was alleged that Rs.2 lakh were borrowed and his wife had returned about Rs.25 lakh but despite that she was being blackmailed by Manpreet Kaur i.e. the present petitioner in conspiracy with Manpreet Singh. As his wife was

under tremendous pressure she went missing from home on 29.10.2020 and since then she never returned. It was further alleged that the present petitioner and Manpreet Singh forcibly kept his wife in their custody. A request was made to take legal action against the culprits.

The investigation commenced and a suicide note was recovered on 14.5.2021 which was handed over by the husband of the deceased to the investigating agency. Petitioner was arrested on 2.3.2022. She approached learned Addl. Sessions Judge, Sri Muktsar Sahib for grant of bail, however, after hearing the parties, the same was declined vide order dated 9.5.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that no reliance can be placed on the alleged suicide note as the same was recovered after about six months of the alleged occurrence. He further submits that the allegations in the FIR pertain to the offence under section 346 IPC, however, section 306 was added subsequently. It is submitted that till date there is no recovery of the dead body of the deceased, if, she has committed suicide. He submits that in view of the facts and circumstances of the case the investigating agency has failed to establish whether the alleged deceased is alive or dead. He further submits that in view of the allegations made in the FIR offence under section 306 IPC read with section 107 IPC is also not made out against the petitioner. He submits that petitioner has no criminal antecedents and she deserves to be granted the benefit of bail.

On the other hand, learned State counsel on instructions from HC Bohar Singh submits that there are specific allegations against the petitioner. He submits that name of the petitioner is found mentioned in the

FIR and thereafter in the suicide note also her name is specifically mentioned. He submits that as per FSL report, handwriting of the suicide note is matched with that of the alleged deceased. However, he candidly submits that the dead body of the alleged deceased is not recovered till date and only her mobile phone was recovered from the canal side. It is submitted that after completion of investigation, charges have been framed, however, out of the total 23 prosecution witnesses only one has been examined till date. He submits that co-accused Manpreet Singh @ Mani has already been granted bail by this court vide order dated 30.8.2022. He further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 2.3.2022. The dead body of the deceased has not been recovered till date. The allegations made in the FIR against the petitioner are general in nature, whereas in the suicide note recovered her name has been mentioned. Co-accused Manpreet Singh @ Mani has already been granted bail by this court vide order dated 30.8.2022. There is nothing on the record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on her furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

17.04.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No