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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23156-2023 (O&M)
Date of decision: 03.08.2023

SUKHPREET KAUR ALIAS JYOTI

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amritpal Singh Gill, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0054 dated 16.10.2022, under Section 306 IPC, registered at Police Station GRP Sirsa, District GRP Ambala, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 33 years and she is in custody from 26.01.2023 i.e. more than 6 months. He has submitted that the investigation of the case has already been completed and charges have been framed but no prosecution witness has been examined till date. He further submitted that the allegations against the petitioner in the present case are that her husband had committed suicide and

also left a suicide note and the FIR was lodged on the basis of complaint made by the brother of the deceased that the deceased was having 3 acres and 6 kanals of land, which was sold by him to one Swaranjeet Kaur but the amount of Rs. 14,00,000/- were usurped by the petitioner. He has further submitted that in fact the aforesaid amount was a wrong figure because the aforesaid land was sold by the husband of the petitioner for an amount of Rs.49,00,000/-. He has further submitted that the petitioner is the wife of the deceased and in fact the petitioner was earlier also married and is having two minor children and it was the second marriage of the petitioner with the deceased. He further submitted that the husband of the petitioner was a drug addict and he was facing two FIRs, which have been so detailed in para No.4 of the petition pertaining to theft and the husband of the petitioner himself sold the land but allegations were made against the petitioner because dispute has arisen between them. He has further submitted that although there was a suicide note but it only pertains to the allegations of the deceased who was himself a drug addict and against the petitioner, one more FIR was lodged by one person, namely, Suba Gaggi, who has already been mentioned in the suicide note but the petitioner was granted the benefit of anticipatory bail by the learned Sessions Court. He has further submitted that be that as it may, the petitioner is a lady of the age of 33 years, having two minor children and there is no one in the family to take care of the children and one of the minor children, who is the daughter has suffered a fracture on her ankle and has been advised complete bed rest for six weeks and they are also facing difficulty for food and electricity as well. He has further submitted that now the investigation of the case is already complete and the

further custody of the petitioner would not be justified and considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case is complete and now the charges have been framed. He has further submitted that as per the suicide note, the deceased has categorically stated that the petitioner had compelled him to commit suicide and, therefore, it will not be appropriate to release the petitioner on regular bail.

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

5. The petitioner is stated to be a lady of the age of 33 years and having two minor children and one of the daughter has also suffered a fracture on her ankle. The petitioner was married to the deceased and it was her second marriage. Although the allegations have been levelled against the petitioner not only in the FIR but also so stated in the suicide note but these are to be seen only at the time of adducing evidence. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she may influence any prosecution witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid facts and circumstances of the case, this Court is of the view that considering the incarceration of the petitioner which is more than 6 months and also the fact that the petitioner is a lady of the

age of 33 years and having two minor children, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

03.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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