

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-26936-2023
Date of Decision: 07.11.2023

Jaspreet Kaur @ Jassi
...Petitioner

Versus

State of Punjab.
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. G.K. Hundal, Advocate, for
Mr. R.D. Rattewal, Advocate, for the petitioner.

Mr. Gurvinder Singh Sidhu, AAG, Punjab.

Mr. Ishan Sharma, Advocate for
Mr. Arnav Sood, Advocate, for the complainant.

VIKAS SURI, J.

1. The petitioner, who is a lady aged about 31 years, has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.34 dated 10.03.2023, under Section 306 IPC, registered at Police Station City Nawanshahar, District SBS Nagar.
2. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the case. She is the wife of deceased and at the time of alleged incident, was not residing with him. It is submitted that there is no direct evidence or material, which could establish that the petitioner had abetted the deceased to commit suicide. The petitioner was arrested in this case on 10.03.2023 and since then, she is in

custody. The prosecution has cited total 17 witnesses in the report under Section 173 Cr.P.C, out of which only 07 have been examined till date and thus, trial would take long time to conclude. It is further submitted that co-accused of the petitioner namely Kimti Lal Kashyap has already been granted the benefit of regular bail by this Court vide order dated 11.08.2023 passed in CRM-M-32504-2023. Learned counsel, thus, submitted that the petitioner be also granted the same benefit as no useful purpose would be served by keeping her behind bars.

3. Learned State counsel has filed the custody certificate of the petitioner dated 17.10.2023 in Court today and opposed the present petition for grant of regular bail. However, he could not dispute the factual aspects as narrated by the counsel for the petitioner.

4. Learned counsel for the complainant has also opposed the prayer made in the present petition by stating that the petitioner is the main accused and only because of her, such an incident has taken place. He, thus, prays for dismissal of the same.

5. I have heard learned counsel for the parties and considered the rival contentions.

6. Keeping in view all aspects of the matter and that the petitioner is in custody since the date of her arrest i.e. 10.03.2023; her co-accused Kimti Lal Kashyap has since been extended the concession of regular bail by this Court; that conclusion of trial is likely to take long time as 10 more witnesses remain to be examined by the prosecution; no useful purpose would be served by keeping her behind bars for an indefinite period, the present petition deserves to be accepted.

7. Accordingly, the instant bail petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.
8. It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

November 07, 2023
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No