

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

CRM-M-30310-2022

Date of Decision:-**01.03.2023**

MANDEEP KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Arvind Kashyap, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.69 dated 5.4.2022 registered under Section 306 IPC at Police Station Tripuri, District Patiala.

The FIR in this case was registered on the basis of statement of Sandeep Singh wherein he alleged that his elder brother Baljinder Singh got married with the petitioner in 2004 and out of said wed-lock 2 children were born. That in 2019 petitioner started doing job in a private college where she developed illicit relations with some third person. That Baljinder Singh opposed the said illicit relationship and then the petitioner started living separately from her husband. That in 2021 their mother died and the complainant and Baljinder Singh were to get GPF of their mother and when petitioner came to know about the same she called her husband to live with her. However, the petitioner continued her illicit relations with some third person and being fed of it, on 4.7.2022 at about 7:30 p.m. Baljinder Singh

sent video from his mobile phone wherein Baljinder Singh proclaimed that he will kill himself by consuming poison in front of the main gate of house of the petitioner. Thereafter Baljinder Singh consumed some poisonous substance as a result of which he died.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of her brother-in-law. The counsel for the petitioner further submits that petitioner is not responsible for death of her husband and actually both of them were living separately and it was the petitioner who was maintaining both the children. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 10 months and is having no criminal history and further the trial is not progressing. So prayer is made that the petitioner be released on bail.

The present petition is opposed by the State counsel, who submits that the petitioner was having illicit relations and her husband refrained her from indulging in such like immoral activities but she did not pay any heed and Baljinder Singh being fed up of the immoral activities of the petitioner ended his life by committing suicide and before doing so he sent video from his mobile wherein he held the petitioner responsible for his plight. That the copy of the transcription of the said video recording is Annexure R-1 to Annexure R-3, which is placed on record along with affidavit of Jaswinder Singh Tiwana, DSP, City-II District Patiala. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 10 months and that till date only 1 witness out of total 16 witnesses is examined on behalf of the prosecution.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner got married with deceased Baljinder Singh in the year 2004 and they were having two children. Baljinder Singh committed suicide by consuming some poisonous substance on 4.4.2022. It is a matter of evidence as to if at the time of his death Baljinder Singh and the petitioner were living together under one roof. It is also subject matter of trial as to whether the petitioner incited or compelled her husband Baljinder Singh to end his life by committing suicide. The petitioner is in custody for the last more than 10 months and the trial is not progressing ahead as till date only one prosecution witness has been examined and it will take considerable time for the trial to conclude. So no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner for indefinite period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

01.03.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No