

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29745-2023
Decided on : 03.07.2023

Sunita Rani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking concession of regular bail in case FIR No.44 dated 09.04.2022 under Sections 323, 341 IPC (Section 302 IPC added later on vide General Diary No.25 dated 21.04.2022) registered at Police Station Goraya District Jalandhar Rural.

2. Learned counsel for the petitioner *inter alia* contends that the FIR in question was lodged at the instance of her father-in-law, who alleged therein that the petitioner had assaulted and scuffled with his wife Harbans Kaur (since deceased) inside his house on 28.03.2022, while he was away on duty. On account of the alleged assault carried out by the petitioner upon his wife, the latter ran out of the house. However, the petitioner blocked her way and pushed her to the ground as a result of which the deceased fell unconscious. Thereafter, the deceased was taken to the hospital where she narrated the entire occurrence to the complainant. Learned counsel in support

of his submissions has drawn the attention of this Court to the FIR (Annexure P-1) wherein the aforementioned allegations stand reflected. Learned counsel submits that admittedly, the complainant was not a witness to the occurrence in question as would be further evident from the perusal of the FIR in question. Learned counsel still further submits that while stepping into the witness box as PW-1, the complainant had made material improvements which created a serious dent in the case of the prosecution as he deposed that his deceased wife had been assaulted in the washroom of the house and thereafter pushed her to the ground in the washroom itself. In support of his submission, learned counsel has drawn the attention of this Court to the deposition of the complainant annexed as Annexure P-2. It has also been submitted that the neighbours, who informed the complainant about the occurrence, had not supported the case of the prosecution during trial. Learned counsel submits that the petitioner has been in custody for more than a year having been arrested on 30.04.2022 and in all six prosecution witnesses including the complainant out of 34 cited have been examined till date. Hence, trial shall take considerable time to conclude. It has also been submitted that since the complainant and the neighbours of the complainant including the person, who removed the deceased to the hospital, had been examined and hence, there could be no apprehension of the petitioner trying to influence the witnesses to depose in her favour or even tamper with material evidence. A prayer, therefore, has been made in the aforesaid facts

and circumstances, more so, since the petitioner is a lady that she be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, submits that on being pushed to the ground, the deceased slipped in the coma as a result of bleeding in thalamic region of brain, which led to subarachnoid haemorrhage. Learned State counsel submits that no doubt, there were some discrepancies in the deposition of the complainant, however, they could not by any stretch of imagination, be said to be material improvements so as to create any dent in the case of the prosecution. Learned State counsel has, however, not been able to controvert that the neighbours of the complainant i.e. alleged eyewitnesses to the occurrence, had not supported the prosecution case and were declared hostile.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. As not disputed by the learned State counsel, neighbours of the complainant, who allegedly witnessed the occurrence in question, did not support the case of the prosecution as a result of which they were declared hostile. The complainant, who is the material witness in the case in hand, already stands examined. The petitioner, who is a lady, has been in custody since 30.04.2022 and there is no possibility of trial concluding in the near future as 28 prosecution witnesses still remain to be examined. Therefore, further incarceration of the petitioner in the aforesaid facts and circumstances would serve no useful purpose. Accordingly, the present petition is allowed.

The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

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