

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

235

CRM-M-31176 of 2023

Date of Decision:06.07.2023

Sharda

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. Santosh Kumar Yadav, Advocate,
for respondent No.2.

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.84 dated 09.02.2023, under Sections 306, 34 of the IPC, registered at Police Station City Mandi Dabwali, District Sirsa.

2. It is submitted by learned counsel for the petitioner that the petitioner is a lady of 66 years of age and she is in custody from 21.02.2023 which is more than four months. He submitted that the investigation of the case has already been completed and the *challan* has now been presented to the competent Court. He submitted that in the present case even a perusal of the FIR would show that none of the ingredients of Section 306 read with Section 107 IPC have been made out.

He submitted that on the face of it, there was no allegation of abetment to commit suicide and at the most the allegations were that the deceased who was the husband of the petitioner was upset regarding the relationship of the petitioner with some other person. Learned counsel submitted that it itself cannot constitute an offence under Section 306 IPC. He further submitted that be that as it may, considering the fact that now the investigation has been completed and the petitioner being a lady of 66 years of age may be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody from 21.02.2023 and the investigation of the case has been completed. He has however submitted that no prosecution witnesses has been examined till date, the petitioner does not deserve the concession of regular bail.

5. I have heard learned counsel for the parties.

6. The petitioner is stated to be a lady of the age of 66 years and the allegations are that she has committed an offence of abetment of suicide of her own husband i.e. the deceased. As per the allegations contained in the FIR which was lodged by the son of the petitioner, the deceased who was the husband of the petitioner was upset with the relationship of the petitioner with some other person. This Court does not wish to comment anything with regard to the fulfillment of the conditions of Section 306 IPC read with Section 107 IPC but this Court would only consider that the investigation of the case has already been completed and the petitioner is a lady of the age of 66 years and therefore she is entitled for the grant of concession of regular bail on this ground alone. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to

furnishing bail bonds/surety 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 only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 06, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No