

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32191 of 2023
Date of decision: 13th July, 2023

Seema Rani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jaskamal S. Grewal, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0126 dated 13.05.2021 under Sections 306, 34 IPC registered at Police Station City Phagwara, District Kapurthala.

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the petitioner inter alia submits that totally false and fabricated allegations have been levelled against the petitioner, of having abetted the suicide of her husband, on account of her alleged illicit relationship with one of her neighbours. He further submits that a perusal of the FIR in question does not even remotely attract the mischief of offence under Section 306, 107 IPC. It has still further been submitted that the petitioner has now been in custody since 18.05.2021 and all the material witnesses including the complainant stand

examined. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as 10 out of 19 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that all the material witnesses including the complainant stand examined and that 10 more prosecution witnesses still remain to be examined.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 18.05.2021 and there is no likelihood of the trial concluding in the near future as 10 prosecution witnesses still remain to be examined. In addition to this, all the material witnesses including the complainant already stand examined. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 13, 2023
rps

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