2023:PHHC:088223

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

CRM-M-32861-2023
Date of Decision: 14.07.2023

Kulwant Kaur …Petitioner

vs.

State of Punjab …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rishabh Gupta, Advocate
by the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

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N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.115 dated 23.11.2022 registered under Sections 302 and 34 of IPC (Section 201 IPC added later on), at Police Station Sadar Moga, District Moga, Punjab (Annexure P-1).

The FIR in the present case was registered on the basis of the statement made by Sadhu Singh @ Jagroop Singh, father of the deceased. As per the complainant, his elder daughter Manpreet Kaur was married to Jagsir Singh son of Darshan Singh, about 8 years ago and out of the said wedlock, a son Diljot Singh and a daughter, namely, Navpreet Kaur were born. Since the date of her marriage, his daughter Manpreet Kaur was subjected to harassment and maltreatment by her mother-in-law Manjit Kaur, her husband Jagsir Singh and her sister-in-law Kulwant Kaur, the petitioner. On earlier occasions also, there were disputes in the matrimonial home of his daughter, but the same was resolved with the intervention of the respectables. At about 8.30 p.m. on

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22.11.2022, the complainant received a phone call from his daughter that her mother-in-law Manjit Kaur and her husband Jagsir Singh had been harassing and maltreating her since morning without any reason and had been troubling her on petty matters. Her sister-in-law Kulwant Kaur had also joined hands with them and she was very upset. He consoled his daughter and assured that they would talk to the family of her in-laws. At about 6.30 am on 23.11.2022, the complainant received a phone call from the Sarpanch Ram Singh that his daughter, namely Manpreet Kaur had died due to cardiac arrest and when they reached her village, the dead body of his daughter was lying on a cot in the village. With these main allegations, the FIR was registered against the present petitioner and two other persons.

Learned counsel for the petitioner contends that the marriage between Manpreet Kaur and Jagsir Singh was solemnized about 8 years ago and the couple was blessed with a son and a daughter. Even otherwise, the petitioner is the sister of husband of Manpreet Kaur, since deceased and was married to Jasveer Singh, resident of Sidhu Patti, Jaimalwala, Moga, 25 years ago and was settled in her matrimonial home. Consequently, she had no reason to harass Manpreet Kaur, who was staying in a different village. Learned counsel further contends that the petitioner was arrested on 07.12.2022 and is in custody for the last more than 07 months. Even as per the post-mortem report, there is no injury on the person of the deceased and only bleeding was present from the nose and mouth. Learned counsel further contends that challan in the present case has been presented and the charges are yet to be framed. Thus, the conclusion of the trial will take a long time.

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On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the present petitioner on the ground that she was named as one of the accused in the present FIR. Even as per the medical opinion, the cause of death in the present case is asphyxia due to lack of oxygen and excess of carbon dioxide in the body.

I have heard learned counsel for the parties and perused the record with their able assistance.

It is not in dispute that there are 21 witnesses and charges are yet to be framed. The petitioner was residing in a different village and there was no reason to harass Manpreet Kaur, since deceased, who was staying in her matrimonial home in a different village.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

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

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