

CRM-M-36515-2023

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(244)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36515-2023

Date of Decision: 02.08.2023

MANPREET KAUR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. B.S. Jatana, Advocate for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.95 dated 02.06.2023 registered under Section 306 IPC, 1860 at Police Station Bhikhi, District Mansa.

2. The instant FIR came to be registered on the statement of Tarsem Singh son of Puran Singh who stated that his son Amritpal Singh was married to Manpreet Kaur (petitioner) who had one child from her first marriage. Manpreet Kaur would usually pressurize Amritpal Singh (deceased) for transferring his house in her name. On 01.06.2023 after a dispute, Manpreet Kaur had gone to her parental village. Amritpal Singh, his son had disclosed to him (complainant) that he was upset due to the act of his wife and wished to commit suicide. However, he (complainant) made his son understand that he was not to commit any such wrong act. However, at night when he (complainant) went to the house of his son Amritpal Singh, he saw

that froth was coming from his mouth. Amritpal Singh then told him (complainant) that he was dying due to the harassment of his wife Manpreet Kaur and she was responsible for his death. Appropriate action was sought.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Taking the allegations to be true, no case of abetment was made out. At best, it could be stated that there were usual bickerings between a married couple. In fact, there had never been any such prior complaint on the part of the deceased or his family members regarding the harassment at the instance of the petitioner. Further, the deceased had not left behind any suicide note. As the petitioner was a lady with minor children and in custody since 03.06.2023, she was entitled to the concession of bail as none of the 16 prosecution witnesses had been examined so far thereby delaying the conclusion of the trial.

4. On the other hand, the learned State counsel contends that the petitioner is the only accused. On account of her act and conduct, the deceased-Amritpal Singh, her husband, was driven to commit suicide. Therefore, the nature of the allegations levelled against her did not entitle her to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 03.06.2023 and none of the 16 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant has vehemently opposed the bail application. He contends that there is an audio recording which clearly establishes that the petitioner was harassing the complainant. The harassment was of such a kind that it would amount to abetment as punishable under Section 306 IPC. Therefore, the petitioner was not entitled

to the grant of bail looking at the serious nature of the allegations levelled against her.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is a lady, in custody since 03.06.2023 and none of the 16 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. She is also stated to be a first-time offender with no other case registered against her. Her minor daughter is currently residing with her maternal grand-parents. In these circumstances, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manpreet Kaur D/o Sukhdev Singh is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.08.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No