

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-37937-2023
Date of Decision:14.11.2023

SHIMLA RANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karandeep Singh, Advocate
for the petitioner.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner seeking regular bail under Section 439 of Cr.P.C. in case bearing FIR No.66 dated 17.05.2023(Annexure P-1) registered under Section 306 read with Section 34 of IPC at police station Kabarwala, District Shri Mukatsar Sahib.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 17.05.2023, the complainant-Thaman Singh, recorded his statement alleging therein that his daughter Kulwinder Kaur @ Kaudi was married with Swaran Singh. One male child was born to her out of the wedlock, who was 10 years old. His daughter had disclosed to him that Swaran Singh was having illicit relations with the present petitioner-accused Shimla Rani who was also financially dependant on him. The complainant had tried to prevail good sense upon the petitioner several times but to no avail. On 15.05.2023, accused-Swaran Singh had again gone to meet the petitioner and on coming to know about this fact, the victim Kulwinder Kaur disclosed about this fact to her sister-Seema and also told her that due to harassment meted out at the hands of the petitioner Shimla, Swaran Singh and husband of the petitioner, she was ending her life and also

CRM-M-37937-2023 (O&M)

told her that she had consumed some poisonous substance. The complainant alleged that the suicide by his daughter was abetted by the petitioner. A case under Section 306 read with Section 34 of IPC was registered. Investigation proceedings were initiated. The petitioner was arrested on 18.05.2013. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented. Charge under Section 306 of IPC has now been framed against the petitioner and she is facing trial for commission of offence punishable under Section 306 of IPC.

3. The present petition has been filed by the petitioner on the grounds and her counsel has vehemently argued that she has been falsely implicated in this case. She is a person suffering from 90 per cent locomotive disability which restricts limb movement significantly and there could not be any question of her harassing the victim. She is in custody since 18.05.2023. Trial is likely to take time. She had moved an application for grant of regular bail before learned Trial Court which has been dismissed vide order dated 19.07.2023. Hence, it is argued that the petition deserves to be allowed.

4. The petition has been resisted by the respondent-State in terms of status report that has been filed in the Court today. It is submitted therein and Learned counsel for the State argued that there are serious allegations against the petitioner. The trial is going on. The petitioner may intimidate the material witnesses who are yet to be examined and therefore urged that ground has been made out for allowing the petition.

5. The petitioner is alleged to have abetted the suicide by the victim Kulwinder Kaur @ Kaudi and is also alleged to be having illicit relationship with the husband of the victim. No suicide note has been recovered. The petitioner has placed on record, a copy of certificate issued

CRM-M-37937-2023 (O&M)

by Senior Medical Officer, Fazilka showing that she is suffering from 90 per cent permanent locomotive disability. She is in custody for a period of 6 months. Her custodial interrogation is not required as investigation has since been completed. No witness has been examined so far. Chemical examination report has also not been received. There is nothing on record to show that the petitioner may intimidate the witnesses. No useful purpose will be served by detaining the petitioner in custody any more. The well settled proposition of law is that bail is the rule and jail is an exception. Keeping in view, the nature of the subject offence, the time spent by the petitioner in custody, her physical condition and the other attendant facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed. The petitioner is ordered to be admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

November 14, 2023
himanshu

(MANISHA BATRA)
JUDGE

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