

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

222

2023:PHHC:115771

CRM-M-38966-2023

Date of decision: September 4th, 2023

Palwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.13 dated 14.02.2023 lodged under Section 306 of the Indian Penal Code, 1860 at Police Station Gharinda, District Amritsar.

Learned counsel for the petitioner, *inter alia*, contends that a perusal of the allegations levelled in the FIR, which has been annexed as Annexure P-1, leaves no manner of doubt that the essential ingredients to attract abetment under Section 107 of the IPC or to attract the mischief of offence under Section 306 of the IPC against the petitioner is clearly amiss in the case in hand. He submits that the petitioner who is the mother-in-law of the deceased has been in custody since 02.06.2023 and the investigation in the case in hand is complete as final report under Section 173 (2) Cr.P.C. stands presented. Learned counsel further submits that the trial is unlikely to conclude in the near future as charges are likely to be framed on the next date i.e.

06.10.2023. It has still further been submitted that as many as 23 prosecution witnesses stand cited.

Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the petitioner along with her other family members including the wife of the deceased, had been continuously subjecting the deceased to mental harassment, as a result of which, being fed up, he ended his life, by consuming poison, so much so on being removed to the hospital, he made a statement to the said effect also, before a police official.

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

The petitioner has been in custody since 02.06.2023. The investigation in the case in hand is complete and the trial would take considerable time to conclude as charges have not yet been framed.

In the facts and circumstances as enumerated hereinabove, coupled with the nature of allegations levelled in the FIR, the petitioner deserves the concession of bail. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

September 4th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No