

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114+209-2)

CRM-M-43245-2023 (O&M)
Date of decision:- 12.10.2023

Karamjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate
for the applicant-petitioner.

Mr. A.P.S.Tung, DAG, Punjab.

Mr. P.P.S. Brar, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

CRM-38178-2023

1. Counsel for the applicant-petitioner does not press the application.
2. Dismissed as not pressed.

Main case

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
88	20.07.2023	Kot Bhai Sri Muktsar Sahib	306, IPC

2. Case of the prosecution is that FIR, Annexure P-1, has been registered by Rani Kaur, wife of Jaspal Singh @ Pali-deceased, on the allegation that Rajvir Kaur, daughter of a relative, was abducted by Tanta Singh and the matter was compromised with the intervention of the Panchayat. FIR No.94 dated 11.07.2023, Annexure P-3, was registered against her husband, who was being pressurized to enter into a settlement. He confided in the petitioner that he is being harassed. On 19.07.2023, Tota Singh, Nirmal Singh, Sukhpreet Kaur, Lovepreet Singh and Karamjeet Kaur (present petitioner) chased Jaspal Singh @ Pali and threatened him. He came home and narrated the incident to the complainant, after which he left home at 09:00 P.M. Next day, his body was found hanging from a tree.

3. Counsel for the petitioner contends that the allegations levelled in the FIR, Annexure P-1, are baseless. He submits that FIR, Annexure P-3, had been lodged by Lovepreet Singh and one of the aggrieved persons is Manmeet Singh, son of the present petitioner. He submits that no possible pressure, from the petitioner or her family, was exerted on the deceased to enter into a compromise as they were the complainants. He urges that the essential ingredients of abetment are not fulfilled and offence under Section 306, IPC is not made out. Still further, he submits that investigation qua the petitioner has been concluded, challan has been presented and the petitioner, who is languishing in confinement since 20.07.2023 and has clean antecedents, deserves to be released on bail.

4. Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib has been filed on behalf of State-respondent, which is taken on record. By placing reliance upon the status report as well as upon instructions from ASI, Amrik Singh,

State counsel submits that there are direct allegations against the petitioner of instigating the deceased to commit suicide. He submits that there is a history of harassment by the petitioner and her family members. State counsel is supported by counsel for the complainant. As per specific instructions received, State counsel submits that final report has been presented qua the petitioner, but charge has not been framed.

5. I have heard counsel for the parties and considered their respective submissions.
6. The role ascribed to the petitioner shall remain a subject matter of debate before the Trial Court. Noticing that the petitioner is a young lady of 37 years of age, who is in custody for the last two and half months, and the stage of the proceedings, this Court is inclined to grant her the concession of bail.
7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

12.10.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No