

213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45758-2022

Date of Decision:- 18.05.2023

Shyam Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Devinder Singh Nigha, Advocate
for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Mr. Madan Sandhu, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

Shyam Kaur has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 41 dated 26.06.2019 under Section 304-B, 34 of I.P.C. registered at Police Station Nayagaon, District SAS Nagar (Annexure P-1).

The facts of the case are that the complainant – Mohan Singh gave his statement to the police that marriage of his daughter Jaswinder Kaur took place with Goldy Singh on 23.02.2010. He had spent money on marriage as per his status. Soon after marriage, the victim was harassed by her husband Goldy Singh and Shyam Kaur – mother-in-law for not bringing a motorcycle in dowry. She was beaten up and ill treated. The victim was sent back in the matrimonial home with the intervention of relatives but they continued to harass her on account of their demand of motorcycle. On 26.06.2019, his relative Gurjant Singh informed him that his daughter has expired. He

alongwith his relatives reached the house of his daughter and saw the dead body lying on a bed. His daughter committed suicide because of the harassment caused to her on account of demand of dowry by Goldy Singh and her mother-in-law Shyam Kaur. His daughter consumed some poisonous substance resulting into her death. The matter was reported to the police, on the basis of which present FIR has been registered.

Learned counsel for the petitioner argued that Shyam Kaur was arrested in this case on 16.04.2022 and since then she is behind the bars. She is an old lady having no concern with the said occurrence. The prosecution had filed application under Section 319 of Cr.P.C. in which she was ordered to be summoned. The main accused Goldy Singh has been acquitted by the trial Court vide judgment dated 01.08.2022, which is Annexure P-2. She is ready to abide by the terms of bail order. Therefore, her regular bail application may be allowed.

The bail application is opposed by learned counsel for the complainant as well as learned counsel representing the State. The detailed status report is filed taking the stand that the present petitioner is specifically named. She was kept in column No. 2 of the challan report. Ultimately, she was ordered to be summoned. Earlier the petitioner had filed application for grant of regular bail which was withdrawn vide order dated 31.08.2022, Annexure P-3. Thereafter, she again filed regular bail which was dismissed as withdrawn vide order dated 28.03.2022, which is Annexure P-4. Regarding the judgment of acquittal, appeal has been preferred by complainant Mohan Singh, which is admitted. Copy of order dated 15.03.2023 in CRA-AD-302-2022 is also placed on record. It is argued that there are specific serious allegations against the present petitioner. Therefore, her regular bail application may be declined.

I have considered the arguments and have gone through the record

carefully. It is matter of record that earlier Shyam Kaur was not arrayed as accused to face the trial. The challan was presented only against Goldy Singh and Gurnaib Singh @ Laddi in Session Case No. 261/2019, which was decided on 01.08.2022 and they are were acquitted of the charge framed against them, regarding which appeal has been preferred and the same is admitted vide order dated 15.03.2023. So far as present petitioner Shyam Kaur is concerned, she is summoned on application under Section 319 of Cr.P.C. to face trial. She is behind the bars since 16.04.2022. Supplementary challan qua her is already presented and there is statement of complainant recorded in her case, which is also placed on record. Therefore, the material witness Mohan Singh PW-1 is already recorded. There is no question that in case the petitioner is released on bail she will able to influence the witness. She is ready to face the trial. Trial of this case may take some time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Shyam Kaur is allowed. She is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

18.05.2023

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No