

225

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

CRM-M-51810-2023

Date of Decision: 17.10.2023

Harpreet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.80 dated 16.09.2022, under Section 306 & 34 IPC, registered at Police Station Kahnuwan, District Gurdaspur.

2. It has been submitted by learned counsel for the petitioner that the petitioner is a lady of the age of 28 years and the allegation in the FIR was that the deceased, who is the husband of the petitioner had committed the suicide on the basis of the allegation of harassment against him. He further submitted that there was a matrimonial dispute between the husband and the wife and there is no overt act of the petitioner with regard to abetment to commit suicide. He also submitted that not only in the FIR but even in the suicide note there is no element of abetment to commit suicide and therefore, the essential ingredients of Section 306 & 107 IPC are not

fulfilled on the face of it. He further submitted that mere harassment itself does not constitute an abetment to commit suicide. He submitted that even otherwise also the petitioner, who is a lady of the age of 28 years, is in custody for 1 year and 1 month and the investigation of the case has already been completed and thereafter, challan has also been presented by the police and therefore, the petitioner may be considered for the grant of regular bail. He further submitted that the petitioner has two minor children and the complainant, who is the father of the deceased, has already been examined and he has not supported the prosecution version.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab has stated that it is correct that the petitioner is in custody for 1 year and 1 month and the investigation of the case has been completed and the challan has also been presented before the competent Court. He has however submitted that the suicide was committed by the deceased, who was the husband of the petitioner on the basis of the allegation of harassment by in-laws.

4. I have heard the learned counsels for the parties.

5. The petitioner is a lady of the age of 28 years and has already faced incarceration for 1 year and 1 month. The investigation of the case has already been completed and challan has also been presented before the competent Court. As per the learned counsel for the petitioner, the complainant, who is the father of the deceased, has been examined and he has not supported the prosecution version.

6. After hearing the learned counsel for the parties, this Court is of the view that considering the aforesaid stage of the case and incarceration of the petitioner, who is stated to be lady of the age of 28 years and the fact that

the trial of the case may take a long time, the present petition deserves to be allowed.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.10.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |