

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-55649-2022 (O & M)****Date of decision: 20.01.2023**

Sandeep Kaur

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.249 dated 14.10.2022 under Section 306 IPC registered at Police Station Canal Colony, Bathinda, District Bathinda.

2. The brief facts of the case are that the statement of Sukhwinder Kaur wife of Birbal Singh was recorded to the effect that she has two sons. The elder one was Sonu Singh, who was married and her younger son was Suraj (deceased). For the last 6-7 years, he (deceased-Suraj Singh) was living with one Sandeep Kaur (petitioner) and had one child, aged 01 year old, namely, Ekam. The petitioner used to have altercations with her (complainant's) son Suraj Singh and would also not take care of her (petitioner's) son-Ekam. She had left the child with her (complainant) who was taking care of him. Her son Suraj Singh told her (complainant) that Sandeep Kaur was having relations with another person and would have altercations with him (deceased-Suraj Singh). On 12.10.2022, Suraj Singh came to her (complainant) and asked for Rs.500/- as his wife Sandeep Kaur

had to keep a fast. Since she (complainant) did not have the money, he returned back but seemed depressed. On 14.10.2022, she (complainant) got to know that her son Suraj Singh had committed suicide by hanging because of being fed up by the conduct of the petitioner-Sandeep Kaur.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is no suicide note or any last version of the deceased-Suraj Singh regarding the allegations made in the present FIR against the petitioner. In fact, the deceased was a drug addict because of which he remained in debt and did not support his family. The complainant was inimical to the petitioner as she had a child from the previous marriage as well. Since the petitioner was in custody since 15.10.2022 and none of the 13 prosecution witnesses had been examined so far, the further incarceration of the petitioner was not required, moreso, because she was a lady and a first-time offender.

4. The learned counsel for the State, on the other hand, contends that the petitioner is the only accused. It was on account of her frequent altercations with the deceased and her affair with another person that the deceased was compelled to commit suicide. Therefore, the seriousness of the allegations did not entitle the petitioner to the grant of bail.

5. I have heard the learned counsel for the parties.

6. It would be a matter of adjudication during Trial as to whether the allegations levelled in the FIR would constitute an offence of abetment. The petitioner is in custody since 15.10.2022 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the case is not likely to be concluded anytime soon. As such, the further incarceration of the petitioner is not required, moreso, when she is a lady.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sandeep Kaur is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

January 20, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No