

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-55722-2022 (O&M)
Date of Decision.:04.08.2023

Simranjit Kaur
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, DAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for the complainant.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition under Section 439 Cr.P.C in case FIR No.309 dated 16.10.2022 registered under Section 306 of the IPC registered at Police Station Civil Lines Amritsar, District Amritsar.

2. Petitioner is the wife of deceased Prince. FIR was lodged by Smt. Rita, mother-in-law of the petitioner, i.e. mother of the deceased.

3. As per FIR, marriage of the petitioner and deceased was performed about 09 months back. Just 03-04 months after the marriage petitioner started fighting with the deceased and other family members and used to ask the deceased to turn his mother and sister out of home. She was in the habit of picking up fight on small things and frequently used to go to her parental place. She had left for her parental place and was brought back

by the deceased on 12.10.2022 and after 02-03 days, she again started fighting. It is alleged that on 15.10.2022, Prince (deceased) committed suicide being fed up by the petitioner, her father and brother and also due to threats.

4. It is contended by learned counsel that petitioner has been falsely implicated; that usual skirmishes used to take place between the petitioner and the deceased and that the contents of the FIR do not make out a case attracting Section 306 IPC read with Section 107 IPC. Learned counsel further contends that petitioner was 06 months pregnant, when she was taken into custody. As she had to deliver a child so, she was granted interim bail and thereafter, she had surrendered before the jail authorities. She is in jail now along her 04 months old child.

5. Learned State counsel along with counsel for the complainant opposed the bail petition by pointing out towards the gravity of the offence. Learned counsel for the complainant further submits that petitioner and her family members are threatening the complainant not to depose in Trial Court. He also stated that next date of hearing before the Trial Court is 05.09.2023 and that let the statement of complainant be recorded before the Trial Court before considering this bail petition.

6. I have considered submissions of both the sides and have perused the record.

7. It will be matter of trial as to whether charge under Section 306 of the IPC is established or not on the basis of contents of the FIR, the evidence collected during investigation and evidence which is produced

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before Trial Court. However, Court cannot ignore the fact that petitioner is a young lady and is currently confined in jail along with her 04 months child. Trial may take time to conclude. As per the custody certificate placed on record petitioner has already remained in custody for 05 months and 26 days.

8. Having regard to all the aforesaid facts and circumstances but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

9. However, to allay the fears of the complainant, it is directed that petitioner shall not make any attempt whatsoever, directly or indirectly to induce or threat or come in contact with the complainant of the case or other material witnesses pertaining to the case.

10. Pending application(s), if any, also stands disposed of.

August 04, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No