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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54221-2023
Date of Decision: 06.11.2023

Saraswati alias Rakhi Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vijay Lath, 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.123 dated 23.06.2023, under Section 306 IPC registered at Police Station City Rupnagar, Tehsil and District Rupnagar.
2. It has been submitted by learned counsel for the petitioner that the petitioner is a lady of the age of 34 years and is in custody for more than 4 months and the deceased was her husband. He further submitted that as per the allegations, there was a matrimonial dispute between the parties and even a petition under Section 13-B of the Hindu Marriage Act was also pending between them wherein they had filed a petition for divorce by way of mutual consent. He also submitted that even otherwise also as per the FIR there was allegation of harassment only which arose out of matrimonial

dispute and no suicide note by the deceased was found. He further submitted that now the investigation of the case has been completed and thereafter, the challan has also been presented before the competent Court and the trial of the case may take long time. He also submitted that the ingredients of Section 107 read with Section 306 IPC were not fulfilled. He submitted that considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

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 more than 4 months and there is no suicide note available. He further submitted that it is also correct that the investigation of the case has been completed and challan has also been presented before the competent Court.

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

5. The petitioner is a lady of the age of 34 years and the wife of the deceased. As per the submissions made by the learned counsels for the parties and the FIR, there was a matrimonial dispute between the parties and the allegation was pertaining to harassment only. As per the learned counsel for the petitioner, a petition under Section 13-B of the Hindu Marriage Act was also filed and was pending. The investigation of the case has already been completed and now the trial may take long time. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then she may abscond or flee from justice or may influence the witness or may tamper with the evidence especially in view of the fact that she is a lady of the age of 34 years.

6. Therefore, in view of the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner. 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.

7. 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.

06.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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