

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 74-2023 (O&M)
Date of Decision: 21.02.2023

Mahindro Bai

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

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

Mr. Mohit Kapoor, Addl. A.G., Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 66 dated 05.09.2022, under Sections 306, 120-B IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner is in custody since 06.09.2022. The allegations qua the petitioner are that he alongwith one co-accused instigated the deceased to commit suicide though she has not been named in any suicide note. He submits that the petitioner has been falsely implicated in the present case as the FIR came to be registered by the daughter of the deceased, who committed suicide pursuant to a property dispute with his daughter-in-law Paramjit Kaur, who even got

registered an FIR No. 64 under Sections 376, 506 IPC dated 03.09.2022 at Police Station Lakhewali, Sri Muktsar Sahib against the deceased. It is also averred that the present FIR is nothing else but a counter-blast to the above-said FIR which was filed just two days prior and that the petitioner never threatened, instigated, abetted or forced the deceased in any manner to commit suicide. He further submits that there is no other case pending against the petitioner and the challan stands presented, though charges are yet to be framed and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with reply has been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that challan stands presented and no other case is pending against the petitioner.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 06.09.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the challan stands presented and there are no antecedents and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

21.02.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>