

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.209

CRM-M-60819-2022 (O&M)

Date of decision: 19.04.2023

Manjit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dhawaljeet Dutta Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Mr. Dheeraj Mahajan, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No.80 dated 16.09.2022 registered under
Sections 306 and 34 IPC at Police Station Kahnuwan, District Gurdaspur.

Briefly stated, the case of the prosecution is that in April 2010,
Kulwinder Singh (deceased) married Harpreet Kaur; out of the wedlock,
two children namely Karam Singh and Kirat Kaur were born; due to a
matrimonial dispute, Harpreet Kaur left the deceased's company and went
to her parental home; Joginder Singh (complainant), who is Kulwinder
Singh's father, alongwith the deceased, went to the parental house of
Harpreet Kaur where Kulwinder Singh's in-laws including the petitioner
abused Joginder Singh and Kulwinder Singh and being mentally harassed at
the hands of his in-laws, including the petitioner, Kulwinder Singh

committed suicide by consuming poison.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only because she is the mother of Harpreet Kaur, who had a matrimonial dispute with the deceased; the petitioner is 52 years old with no other criminal antecedents; the petitioner is a housewife; she is in custody since 17.09.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; on the last date of hearing, the complainant was directed to appear before the trial court to get his statement recorded but in spite of having been served he failed to get his testimony recorded as he wanted to prolong the petitioner's incarceration and that since till date none of the prosecution witnesses have been examined in the petitioner's trial, the same will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that she abetted the deceased's suicide by mentally harassing him.

Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

Whether the alleged abuses/mental harassment by the petitioner abetted the deceased's suicide would be debated during the course of the petitioner's trial. However, the petitioner is a 52 year old housewife having no criminal antecedents; she is in custody since 17.09.2022; investigation in the case is complete and therefore, she is not in a position to influence the same and that since till date none of the prosecution witnesses have been examined in the petitioner's trial, the same is likely to take a long time to

conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurdaspur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

April 19, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No