

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

205

CRM-M-60806-2022 (O&M)
Date of decision: 16.12.2023

Charanjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Harpreet Maini, Advocate
For the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 53 dated 24.08.2021, registered under Section 306 IPC at Police Station Talwandi Bhai, District Ferozepur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a statement recorded by complainant Ranjit Singh alleging therein that his daughter Harpreet Kaur was married to Gurpiar Singh about six years back. Her husband was indulged in vices of consuming narcotic substances. His mother and himself used to give beatings to his daughter without any rhyme

Neutral Citation No. 2023:PHHC: 161843

and reason. She was given taunt by them and was harassed on account of demand to bring money from her parents. Whenever the daughter of the complainant used to visit her parents, she used to apprise them about these facts. On the previous night also, both of them had extended beatings to his daughter. She gave a telephonic call to him in the morning of 24.08.2021 thereby informing him that she was being harassed by the petitioner and her son continuously. On hearing so, the complainant assured her that he would come to visit her with a panchayat. At about 10:00 AM on the same day, he received a call from brother-in-law of his daughter that she had committed suicide by hanging herself. On hearing this, the complainant along with other family members reached at her matrimonial house and found her dead body to be lying on a wooden cot. He alleged that a blue mark was found on her neck. While alleging that the petitioner and his son had abetted the suicide by his daughter, the complainant prayed for taking action against the culprits. A case under Section 306 IPC was registered and investigation proceedings were initiated. The petitioner was arrested on 24.05.2022. The co-accused was also arrested. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. She had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 17.11.2022.

3. The present petition has been filed by the petitioner on the ground and her counsel has argued that she has been falsely implicated in this case. She is in custody since 24.05.2022. The trial is likely to take time. No

Neutral Citation No. 2023:PHHC: 161843

useful purpose would be served by keeping her in custody anymore. There is no one else in her home to take care of her three grand children i.e. the children of the deceased. She is an ailing person. The bail is the rule and the jail is exception. Hence, it is prayed that the present petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has vehemently argued that there are specific allegations against the petitioner. She has abetted the suicide by the victim. The trial is going on a good pace and there is nothing on record to show that there would be any undue delay in conclusion of the same.

5. I have heard learned counsel for the parties and have also gone through the material placed.

6. The petitioner, who is mother-in-law of the victim, is alleged to have abetted the suicide by the victim. She is in custody since 24.05.2022 i.e. for a period more than one and a half years. The trial is likely to take some time. It is a debatable question as to whether the ingredients for commission of offence punishable under Section 306 IPC are established in the present case or not and this issue is to be looked into by the trial Court. Keeping in view the period of custody spent by the petitioner and the attendant facts circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping her in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Neutral Citation No. 2023:PHHC: 161843

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

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