

RAJI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. A.S. Manaise, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
76	20.09.2023	306, 34 IPC	Ramdass, District Amritsar (Rural)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the allegation levelled against the petitioner to be quarreling with the deceased on account of not having child is manifestly wrong as the petitioner was pregnant at the time the deceased allegedly committed suicide. He submits that the petitioner delivered a child on 18.02.2024. He submits that deceased had not left any suicide note, nor made any dying



declaration and the petitioner had been taken into custody only on suspicion. He submits that the petitioner was granted concession of interim bail vide order dated 24.01.2024 and prayed for interim bail to be confirmed.

3. *Per contra*, learned State counsel referring to the reply dated 16.04.2024 submitted by the State has not disputed the factual matrix of the case. However, he admits that there is no suicide note recovered from the deceased in this case and further submits that the challan has since been presented in Court in which 11 witnesses have been cited by the prosecution but none of them have been examined till date.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR (Annexure P-1) was registered at the instance of the complainant mother-in-law of the petitioner alleging that her son was married to the petitioner and there used to be a quarrel between the petitioner and her son on account of her not bearing any child from the wedlock and on the fateful day while she had gone to village Ramdass for some household work, she received a telephonic call from the deceased intimating that his brother-in-law Gajjan and his wife Raman had come to the house and alongwith petitioner they were quarreling with him and have taken the petitioner along with them. As per the complainant when she returned, she found the deceased hanging in his room, who was taken to hospital but was declared dead. The matter was reported to police and petitioner was arrested on 29.09.2023.

5. It is not disputed that the petitioner had delivered a child on 18.02.2024 after being granted concession of interim bail vide order dated 24.01.2024 by this Court. It is also not disputed that the deceased had not



left any suicide note nor made any dying declaration. Challan has already been presented in Court and the prosecution has cited 11 witnesses out of which none has been examined till date. The conclusion of trial to ascertain criminal liability, if any of the petitioner will take sufficient long time.

6. Keeping in view the above facts and circumstances and also the fact that no suicide note is there and further the fact that the petitioner has been granted interim bail on account of delivery of child vide order dated 24.01.2024, no purpose would be served by detaining her in custody, therefore the interim bail granted to the petitioner vide order dated 24.01.2024 is hereby confirmed, subject to; regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. The petition stands allowed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.07.2024

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No