

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3975-2024
Date of Decision:31.01.2024

Jagpal Kaur ...Petitioner

vs.

State of Punjab ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Sunpreet Singh, Advocate and
 Mr. Gurmehar Sekhon, Advocate
 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to her in case FIR No. 522 dated 31.10.2023, registered under Section 306,34 of IPC (411 of IPC added later on), Police Station Division No.7, District Ludhiana.
2. The FIR in the present case was registered on the basis of the statement made by Mohit Kumar son of Satpal and the same has been reproduced below:-

“Statement of Mohit Kumar S/o Satpal resident of House No. 610, Sector 33 Chandigarh Road, Ludhiana aged about 33 years Mobile No.8559009450 stated that I am a resident of the above address and I am doing hosiery business. We are three brothers and one sister. I am the eldest one and my younger brother Dinesh Kumar was working with me. About 07 months ago, one lady Jagpal Kaur wife of Sukhchain Singh resident of Village Mangli Chandigarh Road, Ludhiana, enticed him to fall in love with her and she started to live with him in live in relation. About 1-2

months back, my brother told me over phone that Jagpal Kaur is harassing me too much. she has taken his money and ornaments and sold them and spent the money and now he is left with no money. when I ask her for money to meet my own expenses, she abuses me and quarrels and force me out of home. Whereas a press reporter named Anil Kamboj is very close to her and helps her. Jagpal Kaur has asked me to demand Rs. 50 lacs from my brother and purchase a house, whereas she even does not let my brother to come to my house. My brother was very much afraid as he told me this. Thereafter I met Anil Kamboj- Press reporter, and Jagpal Kaur was at his home at that time, and they told me that Jagpal Kaur be given Rs. 50 laks cash and a house be purchased for her, otherwise she will file a case of rape against my brother Dinesh Kumar. I replied that the amount demanded is very big and I returned to my house. Thereafter, I held a number of meetings with them to save my brother Dinesh kumar from their clutches, but they did not agree. My brother Dinesh Kumar also begged them. My brother was feeling very much troubled from them. This morning as I got up and checked Whatsapp on my mobile number-8559009450, I had received whatsapp messages from 8686666302 which were voice messages, I heard these, which were in the voice of my brother and he stated that Jagpal Kaur, Anil Kamboj S/c Ishwar Dyal and Joti Devi Wife of Anil Kamboj resident of House No. 533, Mohalla Sanjay Gandhi Colony, Tajpur Road, Ludhiana were responsible for his death. I came to know that my brother Dinesh Kumar has committed suicide due to harassment from these persons by jumping from a house above Gori Beauty Parlour, Sanjay Gandhi colony. Thereafter, I reached the site and saw a dead body was lying on the road, I checked the dead body which was of my brother-Dinesh Kumar, and he committed suicide on account of harassment by the above said persons. Appropriate legal action may be taken against the above said persons. I have got drafted my statement, I have read it, heard it and it is correct.

AsI Prem Chand 787/Ldh dated 31-10-2023."

3. Learned counsel for the petitioner contends that even from the allegations made by the complainant in the present FIR, no offence under Section 306 of IPC is made out against the present petitioner. Learned counsel further submits that the petitioner is a single woman and is staying with her two minor children. After the arrest of the petitioner, there is no one at home to take care of the children. He further contends that the investigation in the present case has already been completed and the challan under Section 173 Cr.P.C has been presented before the competent Court . Still further, the entire prosecution case is based on the testimonies of the complainant, his family members and the police officials and the petitioner is not in a position to influence the witnesses in any manner. Learned counsel for the petitioner next contends that similarly placed co-accused Anil Kamboj, has already been granted the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since 31.10.2023 and the final report under Section 173 Cr. PC has been presented before the competent Court. Apart from that, similarly placed co-accused Anil Kamboj has already been granted the concession of bail.

7. Without commenting on the merits of the case, the present petition

is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

31.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No