



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
207**

CRM-M-9698-2024
Date of Decision: 27.08.2024

Nasiban

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gaurav Vir Singh Behl, Advocate for the petitioner.

Ms. Guramrit Kaur, Deputy Advocate General, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 129 dated 22.11.2023 (Annexure P-1) registered under Sections 306 and 34 IPC at Police Station Sadar Ahmedgarh, Malerkotla (Punjab).

Learned counsel for the petitioner *inter alia* submits that the petitioner is the mother-in-law of the deceased. It is submitted that the son of the petitioner was married to the deceased in the year 2014. Two children were born out of their wedlock who are currently in the care and custody of the family of the petitioner. On 21.11.2023, the daughter of complainant has committed suicide by hanging.

Learned counsel for the petitioner submits that the present FIR has been registered on the statement of the father of the deceased where it has been alleged that on 17.11.2023, the accused being the petitioner (mother-in-law) and husband of the deceased had thrown the



deceased out of the matrimonial home after giving her beatings. It is submitted that perusal of the PMR dated 22.11.2023 (Annexure P-3) shows that there are no bruises or injuries on the person of the deceased; and as such the allegation of the complainant that the petitioner alongwith her son had given beatings to the deceased are proved to be false. It is further submitted that no suicide note has been recovered implicating the petitioner. The other allegations in the FIR are also false and fabricated. Moreover, the petitioner is 61-year-old and suffering from various age related ailments. The petitioner has been in custody since 22.11.2023 as undertrial. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner and submits that there are specific allegations made against the petitioner in respect of the instigation, involvement and intention on behalf of the petitioner in committing the crime. Learned counsel for the State, on instructions from ASI Narang Singh, informs that challan has been filed on 15.01.2024; charges have been framed in the present case on 21.05.2024; and out of total 18 witnesses, none has been examined so far. Learned counsel for the State files custody certificate dated 26.08.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 9 months and 1 day.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality



of the facts and circumstances of the case including: a) the custody period of 9 months and 1 day undergone by the petitioner as an undertrial; b) no other case pending against the petitioner as evident from the custody certificate placed on record; and c) out of 18 witnesses, none has been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Nasiban W/o Dilshad Mohammad, is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

27.08.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable:	Yes/No
---------------------	--------