

229

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16295-2024

Date of Decision: 09.04.2024

Rani Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Rahul Aggarwal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.36 dated 24.03.2023 registered under Sections 306 and 34 of IPC, at Police Station Sadar Kotkapura, District Faridkot.

2. The FIR in the present case was registered on the basis of the statement made by Jaspal Singh @ Kaku son of Meghna Singh. As per the complainant, his son Harmesh Singh @ Nirmal Singh was married to Rani Kaur daughter of Suba Singh resident of village Gill, District Ferozepur. His daughter-in-law Rani Kaur used to fight with his son and used to go her parental house after fighting with him. They used to bring her back through panchayat. She also used to make false complaints against his son Harmesh Singh. About 4 months ago, his daughter-in-law went to her parental house by saying that she was going to meet her parents, however she did not come back.

When Harmesh Singh went to bring her back, he was beaten up by her family members at village Gill. Bohar Singh used to come to their house and had developed illicit relations with his daughter-in-law Rani Kaur. When his son Harsmesh Singh @ Nirmal Singh came to know about illicit relations of his wife Rani Kaur with Bohar Singh, he had developed depression. He always used to say that his wife had cheated him and had illicit relations with Bohar Singh. On 24.03.2023, Harmesh Singh @ Nirmal Singh committed suicide by hanging himself with the girder of the ceiling in his house. With these broad allegations, FIR in the present case was got registered by the complainant against the present petitioner and other accused.

3. Learned counsel for the petitioner contends that even from the allegations levelled by the complainant in the present case, no offence under Section 306 IPC is made out against the present petitioner. Learned counsel for the petitioner has placed reliance on the law laid down by the Hon'ble Supreme Court in the matter of *Sanju @ Sanjay Singh Sengar versus State of Madhya Pradesh 2002 (2) RCR (Criminal) 687*, *Gurcharan Singh versus State of Punjab, 2017(1) RCR (Criminal) 118* and *M Arjunam versus State, 2019 (5) RCR (Criminal) 269*, to contend that the ingredients of the offence under Section 306 IPC were completely missing in the instant case. He further contends that similarly placed co-accused Bohar Singh has already been granted the concession of regular bail by this Court vide order dated 01.02.2024 passed in CRM-M-4179-2024 (Annexure P-5). As per learned counsel, the petitioner was arrested in the present case on 26.03.2023 and is in custody for the last more than one year. Apart from that, the petitioner is a young lady and has no criminal antecedents.

4. On the other hand, learned State Counsel contended that as per the allegations levelled in the FIR, the offence under Section 306 IPC is made out against the petitioner and the petition is liable to be dismissed.
5. I have heard the learned counsel for the parties and perused the record.
6. The petitioner was arrested in the present case on 26.03.2023 and the material witnesses have already been examined by the prosecution in the present case. Apart from that, similarly placed co-accused Bohar Singh has already been granted the concession of regular bail by this Court vide order dated 01.02.2024 (Annexure P-5).
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.

09.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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