

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-27098-2024
Decided on :09.09.2024

SANDEEP KAUR @ GOGI

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Chahit Bansal, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Lakhvinder Singh, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.97 dated 14.10.2022 under Section 306 IPC registered at Police Station City Jhunir, District Mansa.

2. Learned counsel for the petitioner submits that it is alleged that the husband of the complainant had committed suicide due to harassment caused by the petitioner on account of disputed amount of Rs.35000/-, which was due towards the petitioner. There were allegations that the petitioner used to harass and blackmail the deceased. He further submits that FIR has been lodged after a delay of 1.5 years and no suicide note was found and there was only a dispute regarding money between the petitioner and deceased. He also submits that petitioner is a widow lady with two minor daughters.

3. Per contra, learned counsel for the complainant and learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel has filed the custody



certificate in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 15 days and there is no other case pending against her. Moreover, on instructions, he submits that challan was presented on 19.01.2024 and charges were framed on 06.09.2024 and no witness has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 06 months and 15 days and is not involved in any other criminal case. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to



any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

09.09.2024

Kavita

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