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

CRM-M-37627-2024

Date of Decision: 09.08.2024

Gurdeep Kaur**..... Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Kirandeep Kaur, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.222 dated 17.11.2023, registered under Sections 306, 34 IPC, at Police Station Sadar Faridkot, District Faridkot.
2. Succinctly, facts of the case are that statement of complainant, Paramjit Kaur, was recorded by the Police. It was alleged by the complainant before the Police that she and her husband were working at Avani Textile Factory at village Bhindrawalan, District Sangrur. She alleged that her husband and one Harmandeep Kaur knew each other, however, employees of the factory i.e. Munshi Shyam Sunder and Gurdeep Kaur (petitioner) spread rumours about their illicit relationship. On account of the same, her husband felt humiliation and finally both i.e. her husband and Harmandeep Kaur committed suicide by consuming poison. It was alleged that Munshi Shyam Sunder and Gurdeep Kaur instigated her



husband and Harmandeep Kaur to commit suicide. Thus, it was requested to register FIR. On the basis of the said statement, FIR was registered and investigation commenced. During the investigation, a suicide note of Binder Singh deceased was found, which was sent to the FSL. The petitioner was arrested on 18.11.2023. He approached the Court of learned Sessions Judge, Faridkot praying for grant of regular bail, however, after hearing both the sides, the Court declined the same vide order dated 14.05.2024. Hence, the petitioner has approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely implicated in the present case. She submits that the petitioner has been alleged to have instigated both the deceased i.e. Binder Singh and Harmandeep Kaur for committing suicide. She submits that from the bare reading of Section 306 IPC read with Section 107 IPC, the essential ingredients are not even fulfilled for holding the petitioner responsible for the same. She submits that false implication of the petitioner is writ large for another reason that Amarjit Kaur mother of deceased Binder Singh, who has been examined as PW-1, complainant Paramjit Kaur as PW-2, Bhinder Kaur mother of deceased Harmandeep Kaur as PW-3 and Harbans Kaur one neighbour of Harmandeep Kaur as PW-4, all have not supported the case of the prosecution and thus, they have been declared hostile. She submits that thus, the case of the prosecution is virtually without any evidence against the petitioner. She prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused



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namely Sham Sunder who has already been granted concession of regular bail vide order dated 23.07.2024 passed in CRM-M-33864-2024. She further submits that in these circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, a suicide note was recovered and the same has been sent to FSL. He submits that there are specific allegations of instigation against the petitioner and due to the same, two suicides have been committed in the present case. He submits that in all there are 24 prosecution witnesses and out of which only 4 witnesses have been examined till date. On instructions he has submitted that the petitioner is not involved in any other case. He however, affirmed the fact that co-accused Sham Sunder has been allowed regular bail vide order dated 23.07.2024 passed in CRM-M-33864 of 2024.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has been alleged to have instigated the death of the husband of the complainant and one more employee of the factory i.e. Harmandeep Kaur, against whom the petitioner allegedly spread rumours regarding their illicit relationship. Whether offence under Section 306 IPC read with 107 IPC is made out against the petitioner or not, is a subject matter of trial. It is also apparent that the material witnesses have not supported the case of the prosecution. The petitioner is not involved in any other case as submitted by State counsel. Co-accused of the petitioner has

already been granted bail by this Court on 23.07.2024.

7. This Court would refrain itself from commenting anything on the merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

8. Considering that the trial would take sufficient long time in its conclusion, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

09.08.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No