

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58091-2023 (O&M)
Date of Decision : 15.01.2024

Sarabjit Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Tejinder Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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SUDEEPTI SHARMA, J. (Oral)

1. This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.53, dated 25.05.2023, registered under Sections 328, 498-A, 406, 120-B of the Indian Penal Code, 1860 (IPC) (Section 306 IPC added lateron in place of 328 IPC) registered at Police Station Batala, District Batala.
2. The brief facts relevant to the present case are that a FIR was got registered by the complainant, wherein it was alleged that her marriage was solemnized with Ranjodh Singh in the year 2020. After two days of the marriage, her mother-in-law (petitioner herein) started harassing her and raised demand of car. Her husband in connivance with his mother raised a demand of Rs.15 lakhs; vehicle and also share from the property of her parents. On 19.05.2023, at about 2.00 PM her mother-in-law gave her something for eating and after eating, she became unwell and remained under treatment. On the basis of the said allegations the FIR was registered.

3. Learned counsel for the petitioner has contended that no overt act or misbehavior under Sections 328, 498-A, 406, 120-B IPC is made out against the present petitioner. Learned counsel would further contend that the petitioner has been in custody since 01.06.2023 and that present case is a Magisterial Trial. It is further contended that the out of total 31 prosecution witnesses only 02 have been examined so far. He further contends that no purpose would be served by keeping the petitioner behind the bars.

4. Per contra, learned counsel for the State has contended that the petitioner has been in custody for a period of only 07 months. The trial is at the stage of prosecution evidence and material witnesses of the prosecution are yet to be examined. She further contends that in case petitioner is given benefit of bail she may try to influence the witnesses or may abscond from the Court and consequently she prays for dismissal of the petition.

5. I have heard learned counsel for the parties.

6. The petitioner has placed on record statement of mother, namely, Balwinder Kaur as Annexure P-5 and statement of brother, namely, Sukhjit Singh as Annexure P-6, by filing an application bearing No.914 of 2024, who have turned hostile.

7. In the present case the petitioner has been in custody since 01.06.2023 and the conclusion of the trial will take sufficient time, moreover, the fact that the mother and brother of the complainant have not supported the prosecution version as per their statements Annexures P-5 and P-6, hence no useful purpose would be served by keeping the petitioner

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in further custody. Furthermore, there is no other case pending against her and learned State counsel is not in a position to deny the fact that out of total 31 witnesses only 02 have been examined.

8. In view of the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the above-noted FIR on her furnishing adequate bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

10. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11. Disposed off accordingly. Pending applications, if any, also stand disposed off.

January 15, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No