

233

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-61012-2023 (O&M)
Date of Decision: 16.04.2024

Jassi KaurPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aman Kumar, Advocate for
Mr. Piyush Sharma, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by ASI Des Raj.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking
bail pending trial in FIR No.31 dated 11.04.2023 registered under Section 306
IPC at Police Station, Arniwala, District Fazilka.

2. Allegations are that Buta Singh son of complainant-Raj Kaur
committed suicide on the instigation of petitioner.

3. Learned counsel submits that in pursuance of order dated
12.12.2023, petitioner was released on interim bail and since then, she is
regularly appearing before the learned trial Court.

4. Learned State counsel, upon instructions, has fairly acknowledged
the above factual position.

5. Heard learned counsel for the parties and perused the paper book.

6. This Court, on 12.12.2023, granted interim bail to the petitioner in
the following order:-

*“Learned counsel contends inter-alia that in view of the law
laid down by Hon’ble the Supreme Court in Mohit Singhal and*

another Vs. The State of Uttarakhand and others (Criminal Appeal No. 3578 of 2023, decided on 01.12.2023), prima-facie, no offence under Section 306 IPC is made out against the petitioner. Faced with the above situation, learned State counsel seeks time to go through the aforesaid judgment and have instructions in the matter.

Posted for 08.02.2024.

Till the next date of hearing, petitioner is ordered to be released on interim bail in this case on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

In pursuance of the above order, petitioner is regularly appearing before learned trial Court. There is no allegation that she is likely to misuse the concession of bail or hamper the proceedings in any manner, in case her interim bail is made absolute; thus sending the petitioner to custody, at this stage, would not serve any purpose.

7. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.12.2023, is made absolute. She shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations be not construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before learned Special Court shall be construed as

misuse of the concession.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

16.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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