

IN THE COURT OF SHRI K.K.SINGLA,
ADDL. SESSIONS JUDGE, GURDASPUR

CIS BA No. 312 of 2020
CNR NO. PBGD01-000681 of 2020
Date of decision :03.02.2021

Trishna Rani widow of Prabhat Singh daughter of Diwan Chand, resident
of Village Gobindsar, P.O. Bhoa, Tehsil and District Pathankot.

...Accused/applicant.

Versus

State of Punjab.

...Respondent.

FIR No. 5 Dated 21.01.2021,
Offence U/s. 306 IPC,
Police Station Behrampur.

Bail application u/s 439 of Cr. P.C.

Present : Sh. S.S. Thakur, Advocate, counsel for
applicant/accused.
Sh. Kiran Kumar, Addl. P.P for the State, assisted by Sh. Kuldeep
Singh, Advocate, counsel for complainant.

ORDER

1. Present bail application has been filed under Section 439 Cr. P.C on behalf of accused/applicant Trishna Rani, for grant of regular bail in case FIR No.5 Dated 21.01.2021, Offence U/s. 306 IPC, Police Station Behrampur.
2. Allegations are that the present case has been registered on the basis of application moved by complainant Janak Singh son of Ditt Singh, resident of Village Bahmani, Tehsil and District Gurdaspur, addressed to SSP, Gurdaspur. In the

application, he stated that he is having four sons and one daughter. He further stated that his youngest son Parbhat Singh, is having age about 34-35 years and his marriage was solemnized on 11.12.2019, with accused-applicant Trishna Rani. Soon after marriage, his son was being harassed due to maltreatment of his in-laws and from the hands of accused-applicant. He further stated that he tried to ask about the harassment of his son Prabhat Singh but he did not disclose about this. Thereafter, his son went to Bangladesh for his work. He further stated that his son came to India in the month of June, 2020. Then his son Prabhat Singh disclosed about the harassment and maltreatment to his brother Partap Singh. Thereafter on 13.8.2020, Prabhat Singh, again went to Bangladesh and his wife/accused-applicant started harassing and maltreating his son on the pretext of demand of share in the property and of cash amount, telephonically, due to which, on the intervening night of 20-21/9/2020, his son Prabhat Singh committed suicide at Bangladesh.

3. With these allegations, present FIR was registered against the accused-applicant.
4. The applicant/accused is in judicial custody since 22.01.2021. Being aggrieved from that the applicant/accused has

preferred the present regular bail application as per Section 439 Cr.P.C.

5. Notice of the bail application was given to State. Sh. Kiran Kumar, Ld. Addl. PP for the State put in appearance on behalf of State, assisted by Sh. Kuldeep Singh, Advocate, counsel for complainant.
6. I have heard Sh. S.S. Thakur, Advocate, counsel for applicant/accused and Sh. Kiran Kumar, Ld. Addl. PP for the State and I have perused the record carefully.
7. Contention of Sh. Simran Singh Thakur, Advocate, is that accused-applicant has been falsely implicated in the present case. She never instigated Prabhat Singh, to commit suicide. Even from the allegations levelled, no offence under Section 306 IPC can be said to be made out. His argument is that real fact is that when in June, 2020, Prabhat Singh, visited India and he was suffering from health problems and on medical check up and reports from tests, conducted by the Doctor, Prabhat Singh was found to be HIV positive. Thereafter, Prabhat Singh, himself asked accused to get her tested for coming to know about her health condition, she was found to be HIV negative. No dispute in regard to ever occurred between husband and wife. There was no matrimonial dispute. Prabhat Singh, died on the intervening night of 20/21-09-2020,

while thereafter by making in connivance with father-in-law of accused, got lodged false FIR on the basis of false facts. Accused who is lady is in custody since 22.01.2021. Allegations are matter of proof. His argument is that presentation of challan and trial thereof will take sufficient long time. In this eventuality, no useful purpose will be served by keeping the accused/applicant in judicial custody for further time.

8. In support of his arguments, he places reliance upon **Gurmit Singh Vs. State of Punjab 2014(1) Law Herald 783 (P&H).**

9. Prayer has been made that accused/applicant be released on regular bail.

10. This submission has been refuted by Sh. Kiran Kumar, Ld. Addl. PP for the State, assisted by Sh. Kuldeep Singh, Advocate, counsel for complainant, who argued that allegations against the accused are serious. Infact, Prabhat Singh committed suicide being harassed by accused-applicant. In these circumstances, no case is made out for bail. Prayer has been made that application be dismissed.

11. Submissions have been considered and record has been perused by me.

12. In the present case, allegations against the accused are that her husband Prabhat Singh, committed suicide because she was

being harrassed by the accused. Allegations are matter of proof. Applicant/accused has brought on file one report showing that Prabhat Singh deceased was HIV positive. Accused/applicant is in custody since 22.01.2021. In this eventuality, this Court considers that no useful purpose will be served by keeping the applicant/accused any more in custody. Presentation of challan and trial thereof will take considerable time. So, without commenting upon merits of the case, bail application in question moved by applicant/accused stands allowed, on her furnishing bail bonds and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Ld. Illaqa/Duty Magistrate, subject to the conditions that she would not leave the country without prior permission of the court; she would not influence the witnesses of the prosecution and would appear before Court on each and every date of hearing. Copy of this order be sent to Ld. Illaqa/Duty Magistrate, for compliance.

13. However, observations made above are only for disposal of this bail application and would have no bearing on merits of the case. Record of the case be returned and file of bail application be consigned to record room, Gurdaspur.

Pronounced
Dated:-03.02.2021

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Sanjeev Kumar
Stenographer-I

Present : Sh. S.S. Thakur, Advocate, counsel for
applicant/accused.
Sh. Kiran Kumar, Addl. P.P for the State, assisted by Sh. Kuldeep
Singh, Advocate, counsel for complainant.

Arguments heard. Vide my separate detailed order announced
today, the present bail application has been allowed.

Bail application be consigned to the record room.

Pronounced
Dated:-03.02.2021

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197

Sanjeev Kumar
Stenographer-I