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(2011) 01 P&H CK 0348

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 653 - SB of 2010

Gurjant singh alias Gora and Another — APPELLANT

Vs

State of Punjab — RESPONDENT

Date of Decision : 25-01-2011

Acts Referred:

Citation : (2011) 01 P&H CK 0348

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Judgement

Augustine George Masih, J.—While admitting the appeal, this Court vide order dated 12.3.2010 had issued notice to the State of Punjab regarding suspension of sentence with regard to Jaswinder Kaur alias Bholi-Appellant No. 2.

2. Counsel for the Appellants submits that the allegation against Appellant No. 2 is that she had instigated the deceased to commit suicide as she had threatened her that one day she would expose her relations with her son as also that she would be thrown out of the house. He contends that out of the total sentence of five years, the Appellant has already undergone more than 2 years and one month of sentence. She is a lady and the only allegation against her is on the basis of a suicide note, which again is a question to be determined in the appeal about the authenticity thereof. He contends that the appeal is not likely to be heard soon and, therefore, prays for suspension of sentence during the pendency of the appeal.

3. Counsel for the Respondent -State and the complainant have opposed the prayer made by the Appellant and have contended that not only the suicide note but the evidence so led by the prosecution, corroborates the allegations against the Appellant and, therefore, the concession of suspension of sentence should not be extended to her.

4. I have heard counsel for the parties and have also gone through the records of the case. The suicide note although indicates that the Appellant had threatened

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the deceased about exposing her relations with her son Gora and to throw her out of the house but keeping in view the fact that she had already undergone more than two years and one month out of the total sentence of 5 years and that the appeal is not likely to be heard in the near future, besides the fact that the Appellant is a lady, the prayer made is accepted.

5. The sentence of Appellant No. 2, namely, Jaswinder Kaur @ Bholi is suspended during the pendency of the appeal and she is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate, Sangrur.

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