

(2011) 01 P&H CK 0139

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 66256 of 2010 in Criminal Appeal No. 2850 - SB of 2010

Naresh Kumar and Another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 25-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 319
Penal Code, 1860 (IPC) — Section 306

Citation : (2011) 01 P&H CK 0139

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Augustine George Masih, J.—Prayer in this application is for suspension of sentence of applicant-Appellant No. 2 Raj Rani, during the pendency of the appeal.

2. Counsel for the applicant-Appellant contends that Raj Rani who is sister of Appellant No. 1-Naresh, has been convicted u/s 306 IPC and sentenced to undergo RI for a period of six years. He contends that she was found innocent during investigation but thereafter, she was summoned u/s 319 Code of Criminal Procedure He contends that the applicant-Appellant No. 3 is married lady and staying in a different village and has nothing to do with the offence alleged to have been committed by her. During the trial, she was never arrested. She is in custody since her conviction on 15.12.2010. The appeal is not likely to be heard soon. On these averments, he prays for suspension of sentence of applicant-Appellant No. 2 Raj Rani.

3. Counsel for the State submits that the applicant-Appellant No. 2 has been found to have instigated her brother Naresh to ill treat and abandon his wife which led to the commission of suicide by her. Therefore, she has been convicted u/s 306 IPC. Prayer for suspension of sentence has been opposed on this plea.

4. I have heard counsel for the parties and have gone through the records of the case.

5. Keeping in view the fact that the applicant-Appellant No. 2 Raj Rani is a married lady, residing separately in a different village and further keeping in view the fact that the appeal is not likely to be heard soon and further that she was found innocent during investigation and has been summoned u/s 319 Cr.P.C., the present application is allowed. Sentence of applicant-Appellant No. 2-Raj Rani 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, Patiala.