

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-10937 of 2016

Date of decision: 04.07.2016

Sarabjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.18, dated 11.04.2015, registered under Section 302 of the Indian Penal Code (for short 'IPC'), at Police Station Kabirpur, District Kapurthala.

Contentends that as per the case of the prosecution, the death had taken place due to strangulation, whereas as per the post mortem report, the death in question was found to be caused due to organophosphorus compound pesticides. It is further contended that as the relations between the petitioner and her husband were strained, therefore, she has been falsely implicated in the instant case.

On the other hand, the learned State counsel opposes the prayer of bail and states that the petitioner has committed a heinous crime, therefore, the present bail application deserves to be dismissed.

Heard.

As per the FIR, the son of the complainant, Sukhdev Singh, was to go to Greece which was being opposed by the petitioner. The petitioner had threatened that the son (husband of the petitioner) of the complainant cannot go and has to come back. It is alleged in the FIR that the petitioner took her younger daughter, Amanpreet Kaur who was hale and hearty to the bed room and strangled her in the night at around 11.30/12.00 p.m. Her cries were heard. The husband of the petitioner immediately got back together with his family. After 26 days, the other daughter of the petitioner, Navjit Kaur and grand son of the complainant, Maninder Singh were eliminated in the same manner. However, to save the honour and respect of the family in the society, the matter was not reported to the police. In the present case, the grand son of the complaint and nephew of the petitioner was allegedly strangled on 26.09.2014. As per the FIR, the complainant along with his wife are eye witnesses to the incident. Three children of the family have died one after the other. Though as per post mortem report, the death has been shown to be occurred due to organophosphorus compound

pesticides, however, at this stage, the testimony of eye witnesses also cannot be ignored altogether. The complainant has not so far been examined. The effect of the chemical report and the veracity of the testimony of the complainant shall be seen and analyzed by the competent Court at an appropriate stage.

Keeping in view the accusation against the petitioner, this Court feels that no case for bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

However, from the sequence of death reflected in the FIR, the petitioner does not appear to be a normal and stable person, therefore, the jail authorities are directed to get the petitioner examined from the jail doctor and in case some behavioural abnormality is noticed, in that eventuality, the petitioner be got examined from Psychiatric Department of concerned Govt. Hospital.

04.07.2016

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(JITENDRA CHAUHAN)
JUDGE