

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

Crl. Misc. No.M-23639 of 2016

Date of decision : 03.10.2016

Assa Singh

.....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. A.G. Punjab.

Mr. Adityapal Singh, Advocate
for respondent no.2.

ANITA CHAUDHRY, J(ORAL)

Power of attorney on behalf of respondent no.2 filed.

The petitioner is seeking regular bail in FIR No.144 dated 07.12.2015, registered under Sections 304-B, 34 IPC, Police Station Mehtiana, District Hoshiarpur.

Counsel for the petitioner contends that the petitioner is in custody since 09.12.2015 and charge has not been framed and the question before the Courts would be whether the death was natural or unnatural. The counsel states that the deceased had got married to the petitioner on 22.01.2014 whereas she took divorce from the first husband on 16.12.2014 and the marriage had taken place during the subsistence of the first marriage

and the allegations are that the petitioner had entered into an argument and the Jethani, Bhupinder Kaur pushed the girl and she fell down. It was urged that Devinder Kaur was taken to the hospital by her family and she died on 07.12.2015 and she was suffering from PCOM Aneurysm and the doctors have reported that death could be due to disease and the question, whether Section 304-B IPC would be attracted would be debatable and the report of the Medical Officer falsifies the whole case of the prosecution. The counsel further submits that Bhupinder Kaur had been allowed anticipatory bail.

The medical certificate issued by Dayanand Medical College & Hospital shows that the deceased was suffering from PCOM Aneurysm Clipping and surgery was advised prior to that. The deceased was taken by her parents to the hospital on 25.11.2015 but neither the family nor the girl had made any statement. It would be a debatable question as to whether Section 304-B IPC would be attracted as the deceased was earlier married and had not taken divorce before getting married to the petitioner.

Considering the entirety, without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

03.10.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No