

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4173 of 2016 (O&M)

Date of Decision: 10.02.2016

Sammittran

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.70 dated 2.7.2015 under sections 302, 323, 325, 148, 149 I.P.C registered at Police Station, Lohian, District Jalandhar.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Jagga Singh in relation to an occurrence that took place on 2.7.2015. Deceased is Nihal Kaur i.e. wife of the complainant. The cause of the occurrence is stated to be a dispute with regard to demarcation of joint land. As per complainant's version the present petitioner along with Jeet Kaur and Manjit Singh had held deceased Nihal Kaur from her arms and she was taken to a nearby Eucalyptus tree and had been given fist blows. Nihal Kaur is stated to have died on the same very day i.e. 2.7.2015.

Petitioner was arrested on 3.7.2015.

Investigation in the case having been completed, challan was presented and even charges have been framed. Learned State counsel would, however, submit that prosecution evidence is yet to be led. The trial,

as such, is at the very initial stage and would take time to conclude.

It would be apposite to take note that it is a case of version and cross-version. In the occurrence three persons including the present petitioner from the accused party had received injuries. Even complainant Jagga Singh husband of deceased Nihal Kaur received injuries. It is yet to be ascertained during the course of trial as to which was the aggressor party.

Counsel has also furnished for perusal of this Court the Post Mortem Report of deceased Nihal Kaur and as per which no external injury except for one healing abrasion has been noticed. As per Post Mortem Report the cause of death was to be given after receiving the report of Chemical Examiner. The report from the Chemical Examiner having been received the Board of Doctors opined the cause of death of Nihal Kaur to be on account of **“myocardial infarction”**.

Under such circumstances, the question as to whether the offence under section 302 I.P.C is made out against the present petitioner, would be a moot point.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, she is held entitled to the benefit of bail. Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Jalandhar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.02.2016
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