

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

**CRM-M No.9077 of 2016 (O&M)
Date of Decision: 03.05.2016**

Mahinder Kaur @ Mohinderjeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mohd. Yousaf, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Sukhjinder Singh.

Mr. Aakash Singla, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Mahinder Kaur @ Mohinderjeet Kaur in case FIR No.95 dated 13.06.2015, under Sections 302/34 of the Indian Penal Code, registered with Police Station Maur, District Bathinda.

As per the allegations of the complainant-Brij Lal, his younger son-Ravnik Kumar was married to Rekha, who is the daughter of the present petitioner/accused-Mahinder Kaur and *Bhaanji* of the co-accused/non-applicant-Swaran Singh & sister of co-accused Manoj Kumar. There was a matrimonial dispute between said Rekha and Ravnik Kumar and on that account, on 12.06.2015 at about 8:00 PM, the present petitioner along with co-accused/non-applicants-Manoj Kumar and Swaran Singh had visited the house of Ravnik Kumar. In the meanwhile, the elder son of the complainant, namely, Rajinder Kumar came at the house.

The allegations against the present petitioner/accused-Mahinder Kaur are that on sighting Rajinder Kumar, all the three accused got angry,

while co-accused Manoj Kumar and Swaran Singh threw Chairs at Rajinder Kumar on his chest. The petitioner/accused is alleged to have scratched the face of Rajinder Kumar by her finger nails. The said Rajinder Kumar was taken to the Civil Hospital and is stated to have died.

The role attributed to the petitioner is of inflicting scratch marks on the face of Rajinder Kumar.

It is contended that as per the MLR, Rajinder Kumar had three superficial injuries on his chest and scratches on his face (allegedly inflicted by the petitioner/accused Mahinder Kaur). It is next submitted that as per the Post Mortem Report, the cause of death was due to hypertension. Thus, no offence under Section 302, IPC is made out at all.

The petitioner is stated to be in custody since 07.07.2015 and the charges have been framed and evidence of 17 cited prosecution witnesses is yet to commence. It is further submitted that similarly placed co-accused Manoj Kumar, who is son of the petitioner/accused, has since been enlarged on regular bail by this Court, vide order dated 19.02.2016.

Learned State Counsel, assisted by ASI Sukhjinder Singh, is unable to refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the custody period, parity of treatment and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such she is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 03, 2016
Gagan

(JASWANT SINGH)
JUDGE