

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

**CRM-M-15315-2017(O&M)**

**Date of decision : 17.05.2017**

**Gurmej Kaur**

**..... Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL**

**\*\*\***

Present: Mr. A.S.Khinda, Advocate for the petitioner.

Mr.Ankur Jain, AAG, Punjab.

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**REKHA MITTAL, J. (Oral)**

The petitioner prays for grant of bail in anticipation of arrest as she has been summoned to face trial for offence under Section 304-B of the Indian Penal Code (in short “the IPC”) along with Bhajan Singh and Harjeet Singh, already facing trial in respect of FIR No. 42 dated 22.07.2014, under Sections 304-B read with Section 120-B of the IPC, registered at Police Station Dhilwan, District Kapurthala.

Counsel for the petitioner has submitted that during investigation in the matter, the petitioner was declared innocent. Story propounded by Kuldeep Singh, brother of the deceased that the deceased was administered poison by the accused, does not find corroboration from medical evidence as there is no injury found on the face of the deceased. Custodial interrogation of the petitioner is not required when otherwise she is ready to face proceedings in accordance with law. The deceased has left behind a female child aged about 5 years and the petitioner being the grand

mother of the child has the responsibility to look after her. In case the petitioner is sent behind the bars, child would also suffer.

Counsel for the State would oppose the prayer for bail stating that in view of gravity of allegations against the petitioner with regard to demand of money and harassment to the deceased, she does not deserve to be extended benefit of pre-arrest bail.

I have heard learned counsel for the parties and perused the paper book.

Bhajan Singh, husband of the petitioner and Harjeet Singh co-accused are in custody. Husband of the deceased had been residing in a foreign country and he is not an accused in the case. Concededly, the petitioner was declared innocent during investigation. Counsel for the State has not disputed that the deceased has left behind a child and the petitioner has the responsibility to look after that child. Custodial interrogation of the petitioner is not required as she has been summoned to face trial as an additional accused under Section 319 of the Code of Criminal Procedure, 1973.

In view of the above, petition is allowed. The petitioner is directed to surrender before the trial Court within a period of 10 days. On her appearance before the Court, she shall be released on bail subject to satisfaction of the trial Court. However, she shall abide by the following conditions:-

- (i) She shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court;
- and

(ii) She shall not leave the limits of this country without prior permission of the Court.

( REKHA MITTAL )  
JUDGE

May 17, 2017  
sunita

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |