

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

CRM-M-26972-2017

Decided on: 11.09.2017

Karamjeet Kaur

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jupinder Pal Singh, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

A.B. CHAUDHARI, J (ORAL)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.38 dated 07.05.2016, under Sections 302/34 of IPC Act, registered at Police Station Sadar Bathinda, District Bathinda.

The petitioner was arrested on 09.05.2016 and is in jail since then. The prosecution has examined material witnesses including the doctor. The prosecution case is that the blood was lying on the earth as well as cot from the dead body of the deceased who was murdered. The injury was caused by knife, which was recovered from the petitioner. However, Dr. Beant Singh Maan, Medical Specialist, Civil Hospital, Bathinda deposed as PW-2 as under:-

“A complete ligature mark on whole circumstance of neck, 2 cm wide and skin deep, probably due to strangulation of neck. Larynx and Trachea congested. There was facial puffiness with periorbital haemorrhages around nasal opening with lacerated wound 2x2 cm on left scrotal side of testicles with clotted blood.

The cause of death of deceased in this case was due to strangulation of neck with smothering leading to brain anoxia and death, which was ante mortem in nature and sufficient to cause death. Probable time between injury and death was within few minutes to hours and between death and post-mortem was within 24 hours.”

Perusal of the medical evidence shows that the cause of death is strangulation of neck.

In this view of the matter, the prosecution itself contradictory, prima facie, there is no ocular evidence or any direct evidence against the petitioner.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate / Duty Magistrate concerned.

(A.B. CHAUDHARI)
JUDGE

11.09.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No