

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

CRM-M-36634-2017
Date of decision: 04.10.2017

Manjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Sukhdeep Singh Sidhu, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. T.S. Sangha, Sr. Advocate, with
Mr. J.S. Lalli, Advocate,
for the complainant.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in offence under Sections 306/34 of IPC under which the challan was filed and in the alternative Section 302 of IPC under which the charge has also been framed in case FIR No. 100 dated 02.06.2017 under Section 307, 498-A of IPC, registered at Police Station Nehianwala, District Bathinda, however, during investigation the Sections 307/302/498A of IPC were deleted.

In brief, the facts are that the petitioner herein is the mother-in-law of the deceased and has been in custody for an offence under 306/34 of IPC under which the challan was filed and in the alternative Section 302 of

IPC under which the charge is also framed in FIR No. 100 dated 02.06.2017 under Section 307, 498-A of IPC, registered at Police Station Nehianwala, District Bathinda, however, during investigation the Sections 307/302/498A of IPC was deleted.

Learned counsel for the petitioner urges that the petitioner herein is entitled for grant of regular bail as she has been in custody since 02.06.2017 in which the investigation is complete and the challan has been put up. It is further argued that the allegations in the FIR itself are not maintainable. The deceased died of burn injuries on account of sudden explosion due to cooking gas. In fact, she was immediately rushed to Civil Hospital, Bathinda, who referred her to Dayanand Medical College, Ludhiana for further treatment. In the said hospital, she made a statement as to how she received the burn injuries to the doctor. In fact, the mother of the deceased treated the case as an accident and requested not to conduct the Medicolegal examination of the deceased. The FIR has been lodged at the behest of the brother of the deceased by concocting a story that he had been informed by his sister while they were at OMAX hospital that she had been set on fire by her husband Satnam Singh, sister-in-law Sandeep Kaur, mother-in-law Manjit Kaur and father-in-law Resham Singh. It is also argued that the entire medical expenditure amounting to Rs. 11 lacs of the deceased had been met by the husband and his family members and in case they had committed such an offence they would have absconded at the very first instance instead of attending her at the hospital till very end. It is also contended that the minor child of the deceased is still in his parental home and other than the grand-mother (the present petitioner), there is no one to

look after him.

I have heard learned counsel for the parties and perused the record.

Without going into the merits of the case but while noting that there is a statement given by the deceased herself that she suffered injuries on account of sudden explosion due to cooking gas and also while noting that the investigation is complete, the present petition is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

However, it is made clear that any opinion expressed herein is for the purpose of grant of bail and not to be construed as an opinion on the merits of the case.

04.10.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No