

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25622 of 2018
Date of Decision: 18.06.2018

Rajwinder Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Chandan Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. R.K. Arya, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.19 dated 13.04.2018 registered for offences punishable under Sections 307, 328 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Rangar Nangal, Police District Batala, District Gurdaspur.

Heard.

As per allegations in the FIR, petitioner, who is wife of complainant, had developed illicit relations with her neighbour as complainant was living abroad. An altercation took place between complainant and petitioner and she allegedly mixed mercury in the cereal given to complainant and his mother at dinner time.

Learned State counsel submits that complainant remained admitted in hospital for four days after consuming cereal. Sample taken from the spot has been sent to FSL but report has not been received so far.

However, investigating officer has recorded statement of petitioner that she has purchased mercury from a shop on the pretext that she had to administer the same to pet dogs. However, statement of that shop keeper from whom mercury was allegedly purchased, has not been recorded so far.

The petitioner was arrested on 14.04.2018 and is in custody since then. FSL report is still awaited.

Keeping in view above facts and that completion of investigation, presentation of challan and the conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Rajwinder Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

June 18, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No