

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

**Criminal Miscellaneous No.M-28867 of 2018 (O & M)**

**Date of Decision:** *August 09, 2018*

Preeto Bai

..... PETITIONER

*VERSUS*

State of Punjab

..... RESPONDENT

. . .

**CORAM:**      **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

**PRESENT:** -    Mr. Aseem Kataria, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General,  
Punjab.

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**Jaspal Singh, J**

This is the fourth petition preferred by petitioner under Section 438 Cr.P.C. seeking pre-arrest bail, feeling apprehension of arrest in case FIR No.14 dated January 19, 2016 under Sections 304, 323, 34 IPC registered at Police Station, Sadar, Fazilka.

Learned counsel for the petitioner has vehemently contended that no offence under Section 304 IPC is made out against the petitioner. As per the report of doctor, who medico legally examined deceased (Indro Bai), no sign of internal or external injury has been found on the person of deceased. Therefore, it is clear that Indro Bai had not died due to any injury

but she died due to her natural death. Moreover, dispute being civil nature, had already been settled between the parties by intervention of Panchayat.

Earlier, two petitions viz. CRM No.M-32082 of 2016 and CRM No.M-43513 of 2016 filed by the petitioner were dismissed as withdrawn. Third petition viz. CRM No.M-28466 of 2017 was dismissed on merit vide judgment dated August 08, 2018. The instant petition being the fourth, having been filed on the same cause of action, with no substantive change in fact situation, is not maintainable. The conduct of the petitioner is non-cooperative. After the previous petition having been dismissed vide order dated August 08, 2017, she could not be arrested by the police and is still at large. Even proceedings for declaring her proclaimed offender have already been initiated. Besides, testimony of the doctor, who conducted postmortem of deceased, cannot be relied upon at this stage. Allegations against the petitioner are serious in nature in as much as death of Indro Bai was caused during the occurrence which took place between the complainant and accused party.

Taking into account the gravity of offence, this Court is of the considered view that petitioner is not entitled to the relief of pre-arrest bail. Accordingly, instant petition is dismissed.

**August 09, 2018**  
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**(Jaspal Singh)**  
**Judge**

Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No