

S.No.214

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

CRM-M-38754 of 2018 (O&M)

Date of Decision:31.10.2018

Parveen Kumari @ Nanni

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Vishal Munjal, Advocate for the
complainant- respondent No.2.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case Criminal Complaint No.RBT-10/19.8.2016 vide which he has been summoned by the Id. Illaqa Magistrate vide summoning order dated 17.05.2017 to face trial for an offence registered under Sections 302/120-B IPC.

Learned counsel for the petitioner contends that it was the petitioner who had lodged the FIR in this matter qua the death of her deceased husband, after coming to know that he has died due to consumption of some poisonous substance. Although the Police had filed the cancellation report in FIR, saying that culprit is untraceable, however, five months thereafter, the mother-in-law of the petitioner has concocted the story, and has filed the complaint. It is further contended that the mother-in-law/ complainant had also filed a suit against the petitioner, regarding pensionary benefits of the deceased. However, she had lost before the Civil Court. Hence, it is contended that the complaint has been filed with the oblique motive. Still further it is contended that the petitioner is in custody

since 08.01.2018. The proceedings of the trial are already going on before the Court and its a complaint case. Therefore, no purpose would be served by keeping the petitioner in custody. Otherwise also, there are eight witnesses cited by the complainant, however, after charge, no evidence has been led in the complaint so far.

On the other hand, learned State Counsel being instructed by ASI Ramesh Kumar, has produced the custody certificate of the petitioner which shows that she has been in custody for eight months and two days as on 11.09.2018. It is also not disputed by the State Counsel that the mater was investigated by the Police earlier, however, the person who, allegedly administered the poison to the deceased, could not be traced by the Police. Hence, the cancellation report was filed.

Learned counsel appearing for the complainant submits that the complaint has rightly been filed against the petitioner; because she is the person who handed over the cold drink to the deceased; which contained the poisonous substance.

However, the point as to who is the person who administered the poison to the deceased is a moot point. Therefore, keeping the submissions made by counsel for the petitioner in view, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 31, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No