

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-4717 of 2019 (O&M)
Date of decision : February 26, 2019

Sukhwinder Kaur and others

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rakesh Kumar, Advocate, for the petitioners
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Vivek K. Thakur, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioners Sukhwinder Kaur and her husband Gurwinder Singh, Sukhjinder Singh and his wife Paramjit Kaur were initially found innocent in the present case bearing FIR No. 61 dated 2.10.2012, under Section 306 IPC, Police Station Talwandi Chaudrian, District Kapurthala. It is subsequent at the time of the trial upon application under Section 319 Cr.P.C. they were summoned as additional accused and hence the present anticipatory bail has come about.

The brief facts brought to the notice of this Court are that a marriage between Bakhsish Singh co-accused non-applicant and Manjeet

Kaur deceased took place around the year 1994 to 1995 out of which a girl aged 18 years, two boys aged 14 years and 11 years were born. In the year 2004, Bakhsish Singh left for United Kingdom and on his return in the year 2012 had asked and demanded account of money remitted to his wife in India and as a consequence of this dispute, it is alleged by the complainant father of the deceased that the deceased was put to death on 1.10.2012 by the accused. The Medical Board so constituted had found the cause of death due to poisoning on account of consumption of Aluminum phosphide.

Learned counsel for the petitioner has argued that the petitioners are residing separately from the family of Bakhsish Singh and there is no role attributed to them in the commission of offence and that it was own act and conduct of the deceased that she has consumed poison leading to her death on account of dispute with her husband and that having been summoned under Section 319 Cr.P.C. nothing is to be recovered from them and are willing to join the trial.

Learned State counsel assisted by ASI Harbans Singh, PS Talwandi Chaudhrian and Mr. Vivek K. Thakur, counsel for the complainant have argued that the complainant father of the deceased had levelled specific role to all the accused in the commission of the offence having connived with each other to ensure harassment and cruelty to the deceased forcing into her death and if allowed bail would influence the trial.

Appreciating the submissions it is own stand of the prosecution that initially the petitioners were found innocent and subsequently with the

aid of Section 319 Cr.P.C. have been summoned at the trial as additional accused. From the close look of the allegations it is after almost 17 years of the matrimonial alliance the deceased has died due to un-natural death. However, learned State counsel could not convince this Court how she has been forcibly administered the poison as there is nothing suggestive in the post mortem to that effect. The claim that the husband had too received head injuries during this are matters of questions to be decided at the trial. Since the trial is under way and joining the petitioners in the same would suffice the purpose. No useful purpose will be served by sending them to custody as the trial is not likely to be concluded in near future.

In view of the aforesaid, the present petition is allowed. Petitioners are directed to appear before the trial court and be released on bail subject to its satisfaction.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

February 26, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>