

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

109+230 CRM-23655-2019 IN/AND CRM-M-8604-2019 (O&M)

DATE OF DECISION: 29.10.2019

RENUKA @ RENU

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Tribhavan Dahiya, Advocate
 for the petitioner.

Mr. Chetan Sharma, Asstt. A.G., Haryana.

Mr. S.S. Narula, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.468 dated 15.09.2018, under Sections 328, 120-B and 307 IPC (Sections 323/506/201 IPC added later on), registered at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner contends that the allegations against the petitioner are that she is alleged to have given poisonous substance to her husband namely Mandeep Singh who is the son of the complainant. He, however, contends that Mandeep Singh had been suffering from various ailments which included bipolar disorder, insomnia, diabetes and high blood pressure and had been taking several medications for over 25 years and as per the report of the All India Institute of Medical Sciences, there was nothing to suggest that the complainant's son had suffered from any heavy metal poisoning.

Learned counsel also contends that the petitioner is in custody for over 1 year and 1 month and the conclusion of the trial is likely to take some time as none of the 44 prosecution witnesses has been examined till date. He also contends that in the event of the petitioner being granted regular bail, the petitioner shall not make any effort to delay the trial.

Learned counsel for the complainant however contends that it had been established from the report of the All India Institute of Medical Sciences that health of the complainant's son had deteriorated due to administration of heavy metals and it had nothing to do with the chronic ailments allegedly suffered by him. He also contends that in view of the ample *prima facie* evidence against the petitioner, she does not deserve the concession of regular bail.

Learned State counsel, upon instructions from ASI Wazir Singh, states that the petitioner is in custody for 1 year and 1 month and none of the 44 prosecution witnesses has been examined. However, he contends that every effort shall be made to expedite the trial and examine the prosecution witnesses without any delay.

Heard.

The petitioner is stated to be in custody for over 1 year and 1 month. The report of the Board of Doctors from PGIMER, Chandigarh is reproduced hereunder:-

“The patient is a known case of hypertension, diabetes mellitus, hypothyroidism, gout and mental illness. Currently he is clinically diagnosed as a case of Type 2 Diabetes mellitus and hypertension with no target organ dysfunction. There is no psychopathology on current mental

status examination cross sectionally. Such chronic medical ailments may present with varied kind of signs and symptoms. There is nothing to suggest in particular that the patient suffered from any heavy metal poisoning which is fatally toxic to human or could be construed as homicidal agent.”

The relevant extract of the report of the All India Institute of Medical Sciences is reproduced hereunder:-

“His physician at Ludhiana on 11 Jul 2018 had got his blood and urine analysis for toxins done, when Mr. Mandeep mentioned to him he was allegedly being administered a white power by wife. The blood report dated 16 Jul 18 revealed high levels of following toxins: Strontium was 77.17 ug/1 (8-38), Antimony was 18.15 ug/1 (0.0-18) and Beryllium was 0.03 ug/1 (0.10-0.80). He further advised hair analysis on 20 Jul 18, its report dated 31/7/18 showed that Boron was 1.19 (0.02-0.91) and Cobalt was 0.006 (0.000-0.002). Uranium was 0.578 (.0170). Barium was 0.56 (0.00-0.26). Nickel was 0.11 (0.000-0.002) and Strontium was 0.54 (0.003-0.50). His blood report dated 31 Mar 2019 revealed that Strontium was 93.51 ug/1 (8-38), Barium was >50 ug/1 (>30) and Beryllium was 0.06 ug/1 (0/.10-0.80).

These are heavy metals and have toxic effects on human beings which include neurological and cognitive problems. Presence of these toxins explains his continued cognitive deficits. Bipolar disorder and medications used for its treatment do not cause this type of cognitive deficits. His medical comorbidities have stabilized and are not the cause of these cognitive deficits.”

It is, thus, apparent that there are two reports with regard to the medical condition of the complainant's son. At this stage it is debatable as to whether the health of the son of the petitioner has suffered due to administration of the metallic substances. The relevance of two reports would be subject matter of the trial after examination of witnesses and other evidence.

In view of the petitioner being in custody for over 1 year and 1 month and the conclusion of the trial likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall not make any effort to delay the trial. The trial Court shall also try to conclude the trial expeditiously.

Crl. Misc. applications also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

29.10.2019.
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No