

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-12100-2019

Date of decision: 13.05.2019

Sheelo Bai

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kamal Narula, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.113 dated 02.12.2018 under Section 304 IPC, registered at Police Station Vairoke, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is lady, aged about 56 years, she is first offender and is not involved in any other case. It is further submitted that as per allegations in the FIR, the deceased had gone to house of the petitioner and thereafter, on coming outside, he asked the complainant to drive the motorcycle and after some time, he fell down and the complainant stopped the motorcycle. It was found that deceased Beant Singh was carrying a syringe in his left hand and later on he died. It is further stated in the FIR that death of Beant Singh occurred due to giving him some poisonous substance by the petitioner, instead of a dose of drug, which the deceased has

taken through syringe. Learned counsel further submits that the petitioner is in custody since 07.12.2018, challan stands presented; charges are yet to be framed and it will take some time in conclusion of the trial.

Learned counsel for the petitioner has relied upon the post-mortem report where morphine was found positive and no poison was detected. It is thus submitted that it will be a debatable issue whether the version given in the FIR that the deceased died due to injecting some poisonous substance by the petitioner, is made out from the report of Chemical Examiner. It is further submitted that as per the version in FIR, though it is stated that deceased fell down from the motorcycle, however, the same is not supported from the post-mortem report, as no such injury was found.

Learned State counsel, on instructions from ASI Devender, could not dispute the factual position.

Without commenting anything further on merits of the case, considering the submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

13.05.2019  
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No