

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

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CRM-M-14053-2019 (O&M)

Date of Decision:-2.4.2019

Gurmeet Kaur and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Today at the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the petition qua Petitioner No.2 Surinder Singh.

In view of the aforesaid request, the present petition is dismissed as withdrawn qua petitioner No.2-Surinder Singh, at this stage.

The petitioner-Gurmeet Kaur seeks grant of regular bail in respect of a case registered vide FIR No.224 dated 29.09.2018 under Sections 302/364/148/149/120-B/201 IPC registered at Police Station City/Kotwali, Faridkot, District Faridkot.

The FIR was lodged at the instance of Gurmeet Kaur wife of Balvir Singh. It may here be mentioned at the very outset that in the present case, the complainant as well as the petitioner share the same name and their husbands' name is also the same, apart from a minor difference in the spelling. As such, they are referred to as complainant -Gurmeet Kaur and accused-Gurmeet Kaur.

The complainant-Gurmeet Kaur in the FIR alleged that her husband Balvir Singh had been residing since last 17-18 years with the lady namely Amarjit Kaur of village Rai, who had kept complainant's husband illegally confined and had sold his 5 acres of land and also ancestral house for an amount of Rs.10 lacs and had usurped the said amount. It is alleged that on 02.04.2013 complainant's husband Balvir Singh informed the complainant telephonically that Amarjit Kaur, accused Gurmeet Kaur and her husband Balvir Singh along with his cousin Bantu, Gurmeet Kaur's driver and some other unidentified persons were beating him and pleaded that he be saved, otherwise he would be killed. It is alleged that on 02.04.2013 the complainant went to the Police Station Khamano and moved an application in this regard but no effective steps have been taken thereupon.

It is further alleged that on 21.12.2013, at about 01.30 a.m. (night),

the complainant received a telephone call that her husband Balvir Singh has

been got admitted in the hospital and when they enquired about the reason, the police informed that complainant's husband Balvir Singh made statement in the presence of Doctor that Amarjit Kaur, accused-Gurmeet Kaur were both sisters and their sons along with driver and some unidentified persons had thrown him away after administering poison to him forcibly. However, when the complainant reached hospital, her husband had expired.

Learned counsel for the petitioner submitted that there is a gross delay of 4 years, and 9 months in lodging the FIR and that in fact a concocted version has been put forth in the FIR, although initially the son of the deceased himself i.e. Tarsem Singh had informed the police by lodging DDR (Anneuxre P-3) that his father Balvir Singh due to mental illness had consumed some poisonous substance and that his father's statement of forcible administration of poison by the doctor had been incorrectly recorded. The learned counsel for the petitioner has submitted that a false FIR was registered on account of complainant's grudge as her husband was residing with another lady instead of residing with the complainant.

Opposing the petition, the learned State counsel has submitted that in the present case since the petitioner has specifically been named in the FIR and the allegations of death by poisoning stand substantiated from the report of Chemical Examiner, as per which organophosphorus was found, no case for grant of bail is made out. It has however been informed that only 1 PW has been examined while 4 PWs have been partly examined out of cited 20 PWs.

I have considered rival contentions addressed before this Court.

The delay of almost 4 years and 9 months in lodging FIR is a huge delay which

the prosecution would be required to explain. Further the fact that initially one DDR was lodged by the son of the deceased wherein he has stated that the deceased had himself consumed poison would also tend to create a dent in the case of prosecution. The trial in its normal course is likely to take some time for its conclusion as only one witness has been examined completely out of 20 PWs. In these circumstances further detention of the petitioner would not serve any useful purpose. In any case, a lenient view may be taken, keeping in view of the fact that the petitioner is a lady.

In view of the aforesaid discussion the petition is hereby accepted and petitioner-Gurmeet Kaur is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

02.04.2019**(Gurvinder Singh Gill)****Ali****Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No