

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

CRM-M-38149-2018 (O&M)

Date of Decision:- 15.2.2019

Kulwinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manmeet Singh Rana, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. B.S.Sodhi, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against her vide FIR No.106, dated 20.7.2018, registered at Police Station Kabarwala, District Sri Muktsar Sahib, under Section 304 IPC.
2. The FIR was registered at the instance of Palwinder Singh wherein it has been alleged that he had been married to petitioner-Kulwinder Kaur about 17-18 years back and had also been blessed with two children but there used to remain a matrimonial discord with his wife on minor issues. It is alleged that on 10.7.2018 when the complainant returned back home from fields and switched on the light so as to have dinner, his wife started quarreling by stating that

he was not allowing her to sleep. It is alleged that upon hearing their verbal duels, his father Chanchal Singh was attracted to the spot and who also tried to reason out with his wife but his wife got angered and threw down his father on the floor and gave kick and fist blows on his neck, stomach and testicles. It is further stated that the petitioner and Sant Pal Singh however rescued his father and thereafter went to sleep but after some time his father called them and stated that he was having pain in his body. The complainant's father was taken to hospital but he could not survive.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case mainly on account of the fact that there was admittedly a matrimonial discord between the parties. Learned counsel in this context has referred to a copy of MLR annexed with his petition as Annexure P-2 wherein it has been disclosed that injuries had been sustained due to a fall. Learned counsel has submitted that since it is the complainant himself who had taken his father to hospital, therefore, the very fact that injuries are stated to have been received due to fall in medical record itself shows that it is a case of false implication. Learned counsel has further submitted that in fact the deceased admittedly was a heart patient and two of his arteries were blocked, as would be evident from the report annexed as Annexure P-2 and thus it is evident that he had died a natural death.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that the MLR clearly indicates that

as many as 5 injuries had been sustained by the deceased including injuries on his private parts. Learned State counsel has also referred to the post mortem report Annexure P-3 wherein the cause of death has been opined as follows:

“In our opinion due to trauma in sensitive part i.e. testis and urethra lead to shock and heamorrhage and changes in heart which as additive in the primary cause”

5. A prayer has thus been made for dismissal of the petition.
6. Having considered rival submissions addressed before this Court, I find that the allegations as levelled in the FIR are corroborated from the medical evidence in the shape of MLR and also the post mortem report which clearly indicate that the petitioner had died on account of the injuries sustained by him particularly the injuries sustained on his testicle which certainly cannot be said to have been sustained on account of a fall as contended by learned counsel for the petitioner.
7. The petition is sans any merit and is dismissed.
8. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

February 15, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No