

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

**Crl. Misc. No.M- 26141 of 2019 (O&M)
Date of Decision: September 11, 2019**

Pavittar Singh @ Pavittarjit Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sidhant Mehra, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. Jagdish Singh Mahal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The petitioner was married with Kuljit Kaur, sister of complainant. In his statement to the police, complainant has stated that after six years of marriage, his sister had breast cancer and her left breast was removed. Due to her ailment, petitioner developed aversion towards her and used to raise quarrel with her. Complainant took the respectable of his village to get the matter amicably settled. His sister told him several times that petitioner due to his aversion towards her used to beat her. On 15.09.2017 at about 2.30 p.m. Hardeep Singh- brother of petitioner informed the complainant that his sister was ill and was taken to Dera Baba Nanak, Hospital where she was declared by the doctor as dead. The complainant alleged that the petitioner has murdered his sister by strangulation as he was not happy with her due to her ailment.

The petitioner was arrested on 17.09.2017. Learned counsel for the petitioner has argued that the cause of death of wife of petitioner is alleged to be strangulation which is not supported by any medical evidence. He has drawn my attention to statement of PW-1 Dr. Harpreet Singh, who has stated that on examination of dead body of Kuljit Kaur, he found blood tinged frothy fluid was present in both nostrils. There was congestion and autolytic changes in multiple organs, as such, cause of death was declared due to "Asphyxia may be there."

The deceased had died while living with the petitioner. At this stage, there is nothing to suggest that she had died of any ailment. The doctor had found blood tinged frothy fluid in both her nostrils and congestion of autolytic changes in multiple organs which led to their conclusion that Asphyxia may be reason for her death. It is for the trial Court to appreciate on the basis of entire medical evidence brought on record and coupled with others evidence to arrive at conclusion about the cause of death of the deceased.

Keeping in view the above facts and taking note of the gravity of offence, I do not find it is a fit case to grant the benefit of regular bail to petitioner.

This petition has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

September 11, 2019

Jyoti-II

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No