

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

Date of decision : 21.01.2019

(1) CRM-M-40379-2018 (O&M)

Nirmal Chand and others

..... Petitioners.

Versus

State of Punjab

..... Respondent.

(2) CRM-M-45281-2018 (O&M)

Sanjeev Kumar

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Bali, Advocate for the petitioners.
in both the petitions.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

This order shall dispose of above mentioned two petitions i.e. *CRM-M-40379-2018* titled as '*Nirmal Chand and others vs. State of Punjab*' and *CRM-M-45281-2018* titled as '*Sanjeev Kumar vs. State of Punjab*' as the common question of law and facts arises in both the petitions. For brevity, the facts are being taken from *CRM-M-40379-2018*.

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 148 dated 24.7.2018, under Sections 328, 34 of the Indian Penal Code registered at Police Station Adampur, District Jalandhar.

As per the version given in the FIR in question, complainant-Sunita Rani wife of Sanjeev Kumar was being harassed by her in-laws namely Nirmal Chand, Satya Rani and Neeru Bala-petitioners in CRM-M-40379-2018 and her husband-Sanjeev Kumar-petitioner in CRM-M-45281-2018. On 21.7.2018, a compromise was effected in the Women Cell. As per the said compromise, mother-in-law of the complainant-Sunita Rani namely Satya Rani-petitioner No. 2 gave jewellery to complainant. After the said date i.e. 21.7.2018, Satya Rani started abusing the complainant and when the fight enlarged, Satya Rani tried to kill the complainant-Sunita Rani on which Satya Rani/mother-in-law and Neeru Bala/sister-in-law of the complainant caught hold of her arms, Nirmal Chand/father-in-law caught hold of her legs and Sanjeev Kumar-husband of the complainant poured poisonous substance in the mouth of the complainant-Sunita Rani forcibly after which she became unconscious. After receiving senses, she found herself in Johal Hospital where her maternal aunt-Paramjeet Kaur was present.

Learned State counsel on instructions from H. C. Talwinder Singh, contends that report regarding the poisonous substance has been received and it was found to be *phynoil*. The age of petitioner No. 1-Nirmal Chand is 69 years and petitioner No. 2-Satya Rani is 64 years whereas age of the sister-in-law is 35 years who is living with her parents. Petitioner-Sanjeev Kumar is aged about 39 years.

At this stage, it is doubtful whether the aged father-in-law and mother-in-law could catch hold of the legs and arms and commit the crime as claimed in the FIR. It is also doubtful that as to whether the *phynoil* could

be forcibly put in the mouth of the complainant-Sunita Rani by her husband.

It being so, without commenting on the merits of the case, interim bail granted vide orders dated 14.09.2018 in *CRM-M-40379-2018* titled as *Nirmal Chand & others vs. State of Punjab* and dated 12.10.2018 in *CRM-M-45281-2018* titled as *Sanjeev Kumar vs. State of Punjab* are made absolute.

Petitions stand allowed.

A photocopy of this order be placed on the connected file.

(KULDIP SINGH)
JUDGE

21.01.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No