

S.No.208

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

CRM-M-55099 of 2018 (O&M)

Date of Decision:08.01.2019

Preeto BaiPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.14 dated 19.01.2016 registered under Sections 304, 323, 34 IPC at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner contends that even as per the case of the prosecution, the cause of death of the deceased; as mentioned in the medical opinion is myocardial infarction; which was ante-mortem in nature. Counsel has pointed out to the statement of the Doctor recorded before the Court in which the doctor, who had given the said opinion, has admitted that myocardial infarction is a natural cause of death. Hence, it is contended by the counsel that no offence under Section 304 IPC is made out in this case. Further, it is contended that the only allegation against the petitioner is that she gave brick injury on the chest of the deceased. However, the medical evidence categorically rules out any injury on the chest of the deceased . Still further, it is contended by the counsel that the complainant has concocted this FIR after having lost in the civil suit. It is

also submitted that the petitioner is in custody since 17.08.2018 and she is not required for any investigation purposes. The co-accused of the petitioner have already been released on bail by this Court.

On the other hand, learned State Counsel has submitted that the petitioner is involved in a heinous crime; resulting into death of a person. Still further, it is pointed out that the co-accused of the petitioner, who was a minor, already stands convicted by the Juvenile Court. Therefore, the petitioner cannot argue that the case is concocted by the complainant.

In response to the above submissions of the learned State Counsel, learned counsel for the petitioner has submitted that the said conviction of the co-accused is only under Section 323 IPC. He has also been granted probation by the Juvenile Court.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 08, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No