

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
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Criminal Misc.-M-3598 of 2020
Date of Decision: January 31, 2020.

Kulwinder Kaur

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE VIVEK PURI.

Present: Mr.Manmeet Singh Rana, Advocate, for the petitioner,
Mr.Rajesh Bhardwaj, Senior DAG, Punjab.
Mr.Surinder Singh Chahal, Advocate, for the complainant.

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Vivek Puri, J.

FIR No.106 dated 20.7.2018, under Section 304 IPC was registered at Police Station Kabarwala, District Muktsar Sahib, on the basis of statement of Palwinder Singh-complainant, alleging that his marriage was solemnized with the petitioner about 17-18 years ago. His daughter Palakpreet Kaur is aged about 18 years and son Pahulpreet Singh is aged about 14 years. The parents of the complainant are also residing with him. The complainant had a dispute with the petitioner for the last about 10 years on petty issues and panchayat was convened. On 10.07.2018 at about 10.30 p.m., the complainant came back from his fields to his house and a dispute took place with his wife (petitioner) when he switched on the light while consuming the dinner. Chanchal Singh, the father of the complainant arrived at the spot and tried to intervene. The petitioner got infuriated, threw Chanchal Singh on the ground and started giving beatings to him. Chanchal Singh was an old person and suffering from heart ailment. The complainant

and testicles of Chanchal Singh. An alarm was raised and their neighbour Sant Pal Singh reached at the spot. The complainant and Sat Pal Singh rescued Chanchal Singh from the clutches of the petitioner. After making the arrangement of conveyance, Chanchal Singh was shifted to Adesh Hospital, Bathinda but he could not survive.

I have heard learned counsel for the parties and perused the paper book.

It has been argued by learned counsel for the petitioner that she was not armed with any weapon and there is a delay of two days in lodging the FIR. Furthermore, the children of the petitioner have imputed the complainant in inflicting the injuries on the person of the deceased-Chanchal Singh .

On the contrary, it has been contended by the learned State counsel that the petitioner has inflicted injuries on the person of an old man who was suffering from heart ailment. The children of the petitioner were not present at the time of occurrence and furthermore the case is still at the initial stage and the statements of the witnesses have not been recorded.

It is too early to conclude that the version put forth is false on the ground of delay of 2 days in lodging the FIR. The effect delay, if any, can be seen during the course of trial. Furthermore, the petitioner had inflicted fist and kick blows on the person of the deceased on the sensitive parts of the body. As per the post-mortem report, the cause of death is mentioned as trauma in sensitive part, i.e, testis and urethra and changes in heart which was additive in the primary cause. It cannot be said that the petitioner was not aware of the physical condition and health of the deceased, who is stated to be suffering from heart ailment, as she is the

daughter-in-law of the deceased. Furthermore, it may not be appropriate at this stage to rely upon the statement of the young children of the petitioner, which have been recorded after a period of more than three months from the date of |FIR.

In this set of circumstance, no ground to grant the bail to the petitioner is made out.

Dismissed.

January 31, 2020

mohinder

(VIVEK PURI)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No