

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7583-2020

Date of Decision: 26.02.2020

Kuldeep Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.136 dated 30.08.2018, under Section 302 IPC, registered at Police Station Passiana, District Patiala. She is in custody since her arrest on 01.09.2018.

The FIR was registered on the basis of statement of complainant Chamkaur Singh, wherein it was stated that they are two brothers and his younger brother Kulwinder Singh (deceased) was married to Kuldeep Kaur (accused) and had two sons, namely, Arshdeep Singh and Amardeep Singh. The houses of complainant and his brother were adjoining to each other. The relations between his brother and sister-in-law were not cordial and his sister-in-law went to her parental house after quarrelling and did not return for a year. Later upon compromise she returned. On 10.08.2018 I heard my sister-in-law talking to someone on phone at 10.00 a.m. and asking to bring tablets for mixing in wheat, and at 2 o'clock, brother-in-law of my brother namely Jagwinder and his wife came

and stayed for some time. After taking the meal, Kulwinder Singh was not feeling well and at about 3:30 p.m., her sister-in-law called the complainant and said that condition of her husband was deteriorating. Kulwinder Singh was taken to hospital, where the doctor declared him dead. At about 12:00 (noon), the dead body of Kulwinder Singh was cremated. The complainant did not inform the police as he was under the impression that death of his brother was natural. But, at the time of bhog, complainant overheard that his brother was administered poisonous substance by his sister-in-law. On hearing this, he checked the mobile phone of his brother, wherein he found the voice recording of her sister-in-law and her brother regarding bringing poisonous tablets. He suspected that his sister-in-law had administered poisonous substance to his brother. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the FIR is founded on hearsay evidence, which was not supported by any convincing evidence. According to him, the victim died on 10.08.2018 and the FIR was got lodged after a long delay by his brother on 30.08.2018. It is argued that as per complainant himself no foul play was suspected, therefore, he did not make any complaint to the police. It is pointed out that there is no medical evidence of homicidal death as the dead body was cremated by the complainant etc. He submits that the petitioner is in custody since her arrest on 01.09.2018 and till date, no witness has been examined, therefore, her further custody is not required for any useful purpose.

The prayer is opposed by learned State counsel assisted by ASI Amreek Singh, on the ground that the poison was delivered by Jagwinder Singh (brother of the petitioner). According to him, the conversation

between the petitioner and her brother was overheard by the complainant, who was residing in the adjacent house and, therefore, the petitioner does not deserve the concession of bail. He submits that challan was filed against the petitioner in November, 2018. However the application under Section 319 Cr.P.C. filed by the prosecution for summoning of Jagwinder Singh as an additional accused has been dismissed.

Considering the above, the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time to conclude, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Patiala.

The petition is allowed.

26.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No