

CRM-M-23603-2020

Date of decision: 24.08.2020

Amandeep Kaur and another

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Amit Arora, Advocate
for the petitioners.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance and accepts notice on behalf of the official respondent-State. Copy supplied during the course of the day.

Mr. Ranbir Singh Sekhon, Advocate puts in appearance of his own on behalf of the complainant.

The petitioners, Amandeep Kaur and Ninder Kaur, have sought their first anticipatory bail in a case bearing FIR No.101 dated 09.07.2020 under Sections 328, 506, 148, 149, 120-B and 420 of the Indian Penal Code registered at Police Station Harike, District Tarn

Taran which is got registered by the complainant-Mandeep Kaur, wife of another son of petitioner-Ninder Kaur.

The brief allegations are that on the day of occurrence i.e. on 19.12.2019 at around 01:00 PM while the complainant had gone to her house in the village to bring her articles, it is alleged that the parties entered into a confrontation over demand made by the complainant for return of her 12 lakh rupees, earlier given as a loan to the accused-Ninder Kaur, her husband Charanjit Singh and her brother-in-law, Karaj Singh.

The complainant alleges that all the accused including the present petitioners started abusing her over this demand and assaulted her and during the scuffle, accused-Karaj Singh is alleged to have handed over two vials to his father-Charanjit Singh and mother, Ninder Kaur, the present petitioner, containing poisonous substance, which was forcibly administered to the complainant by the accused and as a consequence of which, she was rushed to hospital.

Learned counsel for the petitioner *inter alia* contends that it is a pure family feud over division of family property which has been given a tinge of criminality by the complainant by feigning this and has shown to the Court a video sent through e-mail that it was the complainant who has herself consumed some articles while sitting alone in her room. Counsel has submitted that the petitioners were already allowed interim bail and have joined the investigations

and sought to claim that it is after more than 07 months the FIR had been registered.

The learned State counsel assisted by counsel for the complainant, have strongly opposed the grant of bail on the grounds of heinousness of the offence. It is argued that the victim had been admitted to the hospital for a long time and that there is history of earlier occurrence between the parties where too, the complainant was assaulted by the accused.

Going through the submissions, the undisplaced video shown to the Court, is suggestive of the manner of the averments of the complainant and thus, puts to doubt its veracity. Apparently, the petitioners are aged mother and sister-in-law of the complainant and the parties have a history of previous dispute over property. The petitioners were earlier released on interim bail and they have joined the investigations on the orders of the lower Court.

Being ladies and that nothing is to be recovered from them, it would be travesty of justice to send the petitioners in custody in the present case and their joining the investigations would suffice the purpose. Accordingly, the petitioners are directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join

investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

24.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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