

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/11 13:37
I attest to the accuracy and
authenticity of this document

CRM-M-36528-2020 (O/M)
Date of decision : 10.12.2020

Salochana Devi

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Dhruv Gupta, Advocate
for petitioner.

Mr. Dhruv Sheoran, DAG Haryana.

Mr. T.S. Grewal, Advocate for
Mr. N.S. Shekhawat, Advocate
for complainant.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 102, dated 22.7.2020, registered under Sections 148, 149, 302 IPC at Police Station Naggal, District Ambala.

FIR was lodged on the complaint of one Nachhattar Singh who stated that his brother Rinku was married with Baljit Kaur about 9 years back. They had a daughter namely Sanjana, aged 7 years and son namely Jot, aged 4 years. After the marriage, there was no dispute between his brother Rinku and his wife. On the night intervening 20/21.7.2020, a fight had taken place between his brother Rinku and his wife Baljit Kaur over some domestic issue. Baljit Kaur called her family members to resolved the issue. On 21.7.2020 at about 4.30 pm, family members of his brother's wife brother Raju, mother Salochana, husband of sister in law Tarsem, his younger brother and an unknown sikh gentleman came to the house of his brother Rinku. Rinku had also called complainant. The family members of his brother's wife attacked Rinku on his stomach with legs and also inflicted fist blows. Raju picked up a small bat and hit on the head and stomach of Rinku. The family members of his brother's wife gave fist blows on the stomach and over entire body. The complainant and his mother tried to rescued Rinku and shouted for help. Meanwhile, their neighbourer Bahadur Singh came and tried to rescue Rinku, but

they did not relent on him. Rinku was initially taken to Government Hospital, Chaurmastpur from where he was referred to Government Hospital, Ambala City for treatment. He died during treatment.

As per medico legal examination, following 3 injuries were found on his person : -

1. Contusion lower abdominal 4*2 with red surface – advice USG abdomen at GH A/City with surgical opinion.
2. Contusion left arm 4*4 cm with red surface.
3. Gastric lavage is not done because of seriousness of patient and referred to GH A/city for further management.

Injury No. 2 is simple in nature, kind of weapon used in both injuries is blunt and duration of injuries are within 24 hrs.

As per PMR, the probable cause of death in this case is due to head and other viscera organ injuries and hemorrhagic shock and its associated complications sufficient to cause death in normal course of nature. All injuries were antemortem. However final opinion will be given after receipt of report of chemical analysis and histopathological examination.

Learned counsel for petitioner has argued that petitioner is 75 years of age. Apparently, cause of death is injury to head and other viscera organs. Petitioner is not stated to be armed. Petitioner is in custody since 24.7.2020. The investigation in case is complete and challan has been filed.

In view thereof, no useful purpose will be served by detaining petitioner behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioner Salochana Devi is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

10.12.2020

sjks

Whether reasoned order : Yes / No