

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

CRM-M-54092 of 2019.

Decided on:- January 08, 2020.

Ravinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. R.S. Bains, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.17 dated 04.03.2018 under Section 302 read with Section 34 IPC (charge framed under Section 306 IPC, but again amended under Section 302 IPC) registered at Police Station Amloh, District Fatehgarh Sahib.

The aforesaid FIR was registered at the behest of Gurdial Kaur, who is mother of deceased Baljit Kaur. The petitioner is grandson of the complainant. Deceased Baljit Kaur was staying with the complainant in the same house, where the petitioner was also residing.

Learned counsel for the petitioner has submitted that the allegation against the petitioner is that he along with other co-accused had

administered poison to Baljit Kaur (since deceased), but Dr. Harbinder Singh, Medical Officer, Civil Hospital, Khanna (PW1) has deposed before the trial Court that there was not even a single mark of injury on any part of the body of deceased. Whenever force is exercised on a person, and in the present case when arms of the victim are caught hold by two persons and poison is administered orally by a third person, then by and large, it is expected that some marks of exercise of such force must be left on the body of the victim. However, in the case in hand, there was no such injury marks found on the person of the deceased during post-mortem examination.

Learned counsel for the petitioner has further contended that similar allegations were made against co-accused Nirmala and Kulwant Kaur, but they were found innocent during the investigation. It was only on the basis of an application under Section 319 Cr.PC, they were summoned to face trial. The petitioner is in custody since 06.08.2018 and as against total 12 witnesses cited by the prosecution, only 5 witnesses have been examined in the case so far. In this manner, the trial is not likely to be concluded in near future.

Learned State counsel, on instructions from ASI Nahar Singh, does not dispute the custody. However, he states that at times, it happens that when force is used, injury may not be noticed. But in the case in hand, there are specific allegations against the petitioner regarding forcible administration of poison to the deceased.

I have heard learned counsel for the parties.

The petitioner is in custody since 06.08.2018. As against total 12 witnesses cited by the prosecution, only 5 witnesses have been examined so

far and as such, the trial is not likely be concluded in near future. Though complainant Gurdial Kaur (PW2) has deposed that accused Ravinder (petitioner herein) had forcibly administered the medicine into the mouth of Baljit Kaur and shut her mouth with his hand for about five minutes, but considering the statement of Dr. Harbinder Singh (PW1), wherein he has stated that whenever force is exercised on a person so as to say that the arms of the victim are caught hold by two persons and poison is administered orally by a third person, then by and large, it is expected that some mark of exercise of force must be left on the body of the victim and in the case in hand, there was no such injury found on the person of the deceased during post-mortem examination, this Court finds that the culpability of the petitioner is yet to be established during the trial and no useful purpose would be served by detaining the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 08, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No