

In virtual Court

CRM-M-90-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-90-2021 (O&M)
Date of decision: 06.01.2021

Charan Kaur and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioners.

Mr. H.S. Sullar, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.02 dated 06.01.2020 under Sections 306/34 IPC, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioners submits that petitioner No.1 Charan Kaur is aged about 87 years and petitioner No.2 Rekha is having two minor children and it is not possible to forcibly administer the poison to the victim, as per version given in the FIR. It is further submitted that as per allegations in the FIR, registered at the instance of Rachna Devi, mother of

deceased Simarjit Kaur, it is stated that she was married to Vikas Tonk on 21.01.2005 and had three children. Her son-in-law was running a milk dairy in the market and mother-in-law of the victim i.e. petitioner No.1 Charan Kaur, brother-in-law (devar) as well as petitioner No.2 Rekha, sister-in-law used to quarrel and abuse her and a compromise was effected between them in the panchayat. Later on, the complainant received a call from her son Amandeep Singh that Simarjit Kaur told him that the accused persons have administered some poisonous substance to her. When the complainant came to her daughter's house, she was taken to Civil Hospital, where she was declared dead.

Learned counsel for the petitioners further submits that it is own case of the complainant that her daughter and son-in-law Vikas Tonk were residing separately and the marriage took place about 15 years ago. It is also submitted that son of petitioner No.1 and husband of petitioner No.2 i.e. Baldev Singh was arrested and he has already been granted the concession of regular bail by the Additional Sessions Judge, Hoshiarpur vide order dated 29.04.2020, noticing the fact that there is no dying-declaration or suicide note of the deceased. It is further submitted that it will be a matter of trial, whether ingredients of Section 306 IPC are made out or not.

Learned counsel for the petitioners has also submitted that petitioner No.1 is very old and infirm lady, whereas petitioner No.2 is residing with her husband and two minor children and they had no role in the matrimonial life of deceased Simarjit Kaur and her husband Vikas Tonk.

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Learned State counsel, on instructions from the Investigating Officer, submits that in the post-mortem report, there was no such evidence to show that any resistance was shown by the deceased, when, as per the allegations, the accused persons forcibly administered some poisonous substance to her.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that main accused Baldev Singh has already been released on regular bail; petitioner No.1 is aged about 87 years; petitioner No.2 is separate in mess and is having two minor children, this petition is allowed and the petitioners are granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue a notice in writing to the petitioners for directing them to join the investigation.

[ARVIND SINGH SANGWAN]
JUDGE

06.01.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No