

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-27721-2020 (O & M)
Date of Decision: February 05, 2021**

VEER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.D.S. Pheruman, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Ranjodh Singh Sidhu, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.37 dated 08.03.2020, under Sections 302, 201, 120-B and 34 IPC, registered at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioner contends that it is a case of circumstantial evidence and the petitioner has been arraigned as an accused on the allegations that she had connived with her son namely Gurjant Singh @ Janta to kill the deceased. It is stated in the FIR that the deceased was a friend of the co-accused Gurjant Singh @ Janta and on 24.02.2020 at 11.00 am Gurjant Singh had gone to the house of the complainant and taken the deceased on his motorcycle on the pretext that he is going for personal work at Patti and will return shortly. However, the deceased did not return that night. They had inquired from the petitioner about the whereabouts of Gurbhej Singh (deceased) and she had replied that they both had gone together to Amritsar. It

is also stated that on 07.03.2020 at 7.30 pm one unidentified dead body was

lying on the northern side of Railway crossing near the canal minor and it was identified as the body of Gurbhej Singh alias Shera. He also contends that prior to the registration of the FIR, no complaint has been preferred with regard to the deceased being missing. As per the opinion of the Medical Officer, the body was putrefied, no definite opinion with regard to the cause of death could be given. He has referred to the communication sent by SHO to the Medical Officer and the opinion of the Medical Officer is reproduced hereunder:-

“As per the postmortem report whole of the body was putrefied so antemortem/postmortem cannot be commented. No bony cut or visceral injury was seen hence nature of weapon cannot be ascertained and the cause of death could only be given only after receipt of chemical examination and Histopathology report”

He also contends that the petitioner, who is a 53 years old lady, is in custody for about 10 months and is not involved in any other case.

Learned State counsel has referred to the status report in the form of the affidavit of DSP, Sub Division Patti, District Tarn Taran wherein the opinion of the Board of Doctors has been set out. The relevant extract of the affidavit is reproduced hereunder:-

“Maggots were present on the face, more common on the left side, Blackening of the face, leg were seen. Excessive foul smell from the body. Face swollen abdomen swollen putrefactive blisters present over the abdomen forearms of both left and right sides.” And they further opined that the cause of

death will be given after receipt of Hispathology and chemical examiner report from Kharar. It is further submitted that the FSL report on the deceased has been received and as per the FSL report, it is found that "No Poison detected in the contents of exhibits I, II, III, IV & V." The true typed copy of FSL report dispatched No.3725 dated 19.10.2020 is annexed herewith as Annexure R-1 for kind perusal of this Hon'ble Court."

He also contends that it is stated in the affidavit that the co-accused Gurjant Singh had disclosed that he had injected heroin in the body of the deceased and due to which he died at the spot. Thereafter, he threw the dead body of the deceased in the bushes and his mother had also played a proactive role to commit the murder of deceased. He upon instructions from ASI Kulwant Singh states that challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above especially when it is a case of circumstantial evidence, the petitioner is the mother of the co-accused and it is alleged that the petitioner had helped the co-accused, there is no definite opinion with regard to the cause of death, the petitioner, who is 53 years old lady, is not involved in any other case and is in custody for about 10 months, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

February 05, 2021
A.Kaundal

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