

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM-M No.33878 of 2021 (O&M)

Date of Decision: 26.08.2021

(Heard through VC)

Sarabjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Veneet Sharma, Advocate  
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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**JAISHREE THAKUR, J. (ORAL)**

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.190 dated 29.10.2018 registered under Sections 302, 376 read with Section 34 IPC and Section 4 of the POCSO Act registered at Police Station Chattiwind, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner herein would plead false implication under the said FIR on the statement given by father of the deceased to the effect that the petitioner herein had kept poisonous tablets, which had been used by Labhu and Sagar, the main accused. The only allegation against the petitioner herein is that she had instigated Sagar to administer poisonous tablets, which are used to preserve wheat, to the deceased. On account of the tablets administered, daughter of the complainant expired. There is also an allegation that Lovepreet Singh @ Labhu had sexually abused the deceased.

Learned counsel appearing for the petitioner would further contend that the allegations of rape attributed to Labhu are not supported by the FSL report and the allegation qua administration of poisonous substance too is not supported by the viscera report. It is argued that the main accused Lovepreet Singh @ Labhu and Gurmeet Singh @ Geeta have already been allowed regular bail by this Court in CRM-M No.11009 of 2021 and CRM-M No.66 of 2021 respectively vide order dated 13.08.2021 by taking note of the fact that FSL report does not support the allegation of rape and neither does the viscera report support the allegation of any poisonous substance being administered to the deceased. It is also argued that apart from material witnesses having been examined, the trial is not likely to conclude in near future as 28 witnesses have been cited.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending that there is allegation against the petitioner that she had instigated the main accused to administer poisonous substance to the complainant, however, she does not dispute the fact that the main accused has already been granted regular bail by this Court and that the material witness has been examined.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the fact that the material witnesses have been examined and that the main accused have already been granted concession of regular bail by this Court and the fact that the trial is likely to take some time to conclude, no purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on her execution of personal/surety

bond to the satisfaction of the concerned trial court/Duty Magistrate.  
However, any observation made herein shall not be construed to be an  
expression on merits of the case.

August 26, 2021  
Pankaj\*

(JAISHREE THAKUR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |