

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

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(1)

CRM-M-30992-2020(O&M)
Date of decision: 28.01.2021

Mehnga Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(2)

CRM-M-32947-2020(O&M)
Date of decision: 28.01.2021

Narinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rakesh Kumar, Advocate
for the petitioners in both the cases.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video
conferencing.

CRM-29821-2020 in
CRM-M-30992-2020

For the reasons mentioned in the application, the same is
allowed and synopsis and submissions are taken on record.

Main cases

Petitioner-Mehnga Singh has filed CRM-M-30992-2020
and petitioner-Narinder Kaur has filed CRM-M-32947-2020 under
Section 439 of the Code of Criminal Procedure, 1973 for grant of

regular bail in case FIR No. 63 dated 22.05.2020 registered under Sections 328 and 34 of the Indian Penal Code, 1860 at Police Station Talwandi Chaudhrian, District Kapurthala to which Section 302 of the IPC was added subsequently.

The above said FIR was registered on complaint of Sumanjit Kaur. In her statement Sumanjit Kaur alleged that her marriage was solemnized with Sukhjot Singh in 2007 and two sons were born out of wedlock. Both the sons reside separately from her. Her father-in-law had not given the land of their share to them. On 21.05.2020 when she was milching, Mehnga Singh her father-in-law and Narinder Kaur sister-in-law raised a dispute and threatened to throw out their utensils. Her husband went to cultivate the land which had fallen to their share. Narinder Kaur her sister-in-law and Mehnga Singh her father-in-law gave her some medicine. After hearing her noise her husband came to the house who tried to take her to Civil Hospital, Tibba but her sister-in-law and father-in-law did not allow him to take her to the hospital. Thereupon her husband and her brother Jagroop Singh gave beating to her sister-in-law and father-in-law and took her to Civil Hospital Tibba from where she was referred to Civil Hospital, Kapurthala and then to some other higher hospital. Initially present FIR was registered under Section 328 of the IPC but on death of Sumanjit Kaur Section 302 of the IPC was added.

The petitioners being in custody since the date of their arrest have filed the present petitions for grant of regular bail.

Custody certificates have been filed by learned State counsel through e-mail, print out of which are taken on record.

The petitions have been opposed by learned State Counsel in terms of status report /supplementary reply filed by way of affidavit of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division, Sultanpur Lodhi, District Kapurthala.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. There was dispute between the parties regarding partition of the agricultural land. Due to the dispute injuries were caused to the petitioners regarding which FIR No. 64 dated 23.05.2020 was registered under Sections 354-B, 323 and 149 of the IPC. The deceased herself consumed poison. The deceased was taken to Hospital where she made first dying declaration admitting that she had herself consumed poison and the deceased also stated that she did not want any action to be taken against the petitioners. Subsequently, after one day the deceased made statement implicating the petitioners for forcibly administering poison to her. It is highly improbable that any poison could be administered by the petitioners to the deceased when dispute was already going on between them. Subsequently the dispute has also been compromised. Investigation is complete and charge sheet has been filed. Charges are yet to be framed. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State counsel has argued that

petitioners murdered the deceased by forcibly administering poison regarding which the deceased lodged FIR which is liable to be treated as her dying declaration. In view of the nature of accusation and gravity of offence, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, compromise between the parties and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.01.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No