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

CRM-M-35471-2021

Date of Decision: 24.11.2021

Mahabir

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

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CRM-M-43995-2021

Bimla Devi

...Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Lupil Gupta, Advocate,
for the petitioner (in CRM-M-35471-2021).

Mr. Deepak Gupta, Advocate,
for the petitioner (in CRM-M-43995-2021).

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 190 having been registered at Police Station Khuhi Khera, District Fazilka, on 18.09.2020, alleging therein the commission of offences punishable under the provisions of Sections 302/34 of the IPC.

A detailed reply to the petition has today been filed by way of an affidavit of the Deputy Superintendent of Police, Fazilka, dated 23.11.2021, which is ordered to be taken on record.

It is stated in the said affidavit that as per the opinion of the doctor, the death of the deceased Sita Ram was caused due to the following:-

“In our opinion probably cause of death in the above case could be Asphyxia due to aspiration on his own secretions during sleep/unconscious state after multiple injury.”

The injuries seen to have been inflicted upon him, even as per the said affidavit, were multiple abrasions on his lower limbs, with multiple contusions also on the left thigh, along with a black eye.

Thereafter, the DSP has stated as follows in his affidavit (as per investigation):-

“The deceased Sita Ram was addicted to intoxicants and she used to harass and disturb her wife accused Bimla and her children. On the asking of the accused Bimla, the accused Mahavir (husband of Kiran Bala, son-in-law of Bimla and deceased Sita Ram) came in the house of the deceased Sita Ram for persuading the deceased Sita Ram. Out of anger, both the accused including the petitioner beaten the deceased Sita Ram at 11:00 p.m. on 17.09.2020 and thereafter Sita Ram went to his bed and in the morning, he was found dead.”

(Emphasis applied in this order only).

The said affidavit is ordered to be taken on record.

The petitioner was admitted to interim bail by this court on joining investigation (if he was sought to be arrested), vide an order passed on 31.08.2021, with it also noticed in that order that the petitioners'

co-accused (his mother-in-law and the petitioner in CRM-M-43995-2021, had already been arrested and a report under the provisions of Section 173 (2) Cr.P.C. had been submitted qua her involvement).

Thereafter, on 30.09.2021, learned State counsel had submitted that the petitioner had joined investigation but he was not cooperating, inasmuch as he was not getting the '*Soti*' (stick) as was allegedly used as a weapon of offence, recovered.

Keeping in view the aforesaid circumstances, specifically what has been stated by the DSP in his affidavit, without making any comment on the actual merits of the case, but as regards this petition by which the petitioner seeks to be admitted to bail in the context of the FIR in question, it is allowed, with the order dated 31.08.2021 made absolute, on the same terms and conditions.

CRM-M-43995-2021

The petitioner in this petition seeks to be admitted to bail under the provisions of Section 439 of the Cr.P.C. in the context of the same FIR registered, she being the mother-in-law of the petitioner Mahabir, as referred to in the order passed hereinabove.

She is stated to have been in custody for more than 01 year now.

In view of the aforesaid circumstances as already described in the affidavit of the DSP (as reproduced hereinabove), again without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty

Magistrate/Chief Judicial Magistrate concerned.

A photocopy of this order be placed on the file of the other
connected case.

November 24, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.