

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

106

**CRM-M-42225-2020
Date of decision: 08.04.2021**

Amarjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Sarika Gupta, Advocate
for the petitioner.

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

Mr. Vipul Dharmani, Advocate
for brother of the deceased.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.145 dated 14.10.2019 registered under Sections 307 and 328 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Mahilpur, District Hoshiarpur to which Section 302 read with Section 34 of the IPC was added lateron.

On 14.10.2019 Poonam Rattu made statement to SI Desraj alleging that she was married to Sukhpal Veer and two children were born out of the wedlock. Her '*nanan*' (sister-in-law) Amarjit Kaur, '*jeth*' (brother-in-law) Harpal Binder, father-in-law Gurdev Ram, mother-in-law Joginder Kaur and '*jethani*' (sister-in-law) Amarjit Kaur (the petitioner) wanted to take forcible possession of the house where she is

residing along with her children and wanted to dispossess her from the said house. On 14.10.2019 at about 06:00 a.m. the aforesaid persons entered into her house and started throwing her household goods. When she and her husband stopped them from doing so, her '*nanan*' Amarjit Kaur and '*jeth*' Harpal Binder caught hold of her and threw her on the bed and forcibly put phenyl into her mouth which was also containing some other poisonous substance. In view of her statement, FIR was registered under Sections 307 and 328 of the IPC but on her death on 15.10.2019, Section 307 of the IPC was deleted and Section 302 of the IPC was added. During investigation Amarjit Kaur '*nanan*' of the deceased was found to be innocent and charge-sheet was filed by the police against the petitioner and co-accused Harpal Binder, Gurdev Ram and Joginder Kaur.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Tushar Gupta, IPS, Assistant Commissioner of Police, Sub-Division Garhshankar, District Hoshiarpur.

Mr. Vipul Dharmani, Advocate has appeared on behalf of brother of the deceased and he undertakes to file his power of attorney in the Registry of this Court.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for brother of the deceased and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the case. The petitioner is merely alleged to have trespassed into the house where the deceased was residing with husband and children for taking forcible possession and to have thrown her goods but no other overt act is attributed to the petitioner. Due to the petitioner having the same name as that of her '*nanan*' (sister-in-law), the petitioner is being accused of having administered poisonous substance to the deceased whereas the deceased had specifically named her '*nanan*' (sister of her husband) and not her '*jethani*' (wife of her brother-in-law) to have administered poisonous substance to her. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for brother of the deceased have submitted that the petitioner along with her co-accused murdered the deceased by forcibly administering poison to her. In view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner who was alleged by the deceased to have merely trespassed into her house to take forcible possession thereof and to have thrown her goods, naming of Amarjit Kaur, sister of her husband by the deceased for forcibly administering poisonous substance to her and the fact that the 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 petitioner.

In view of the above, the petition is allowed and the petitioner is 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.

08.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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