

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

**CRM-M-3348-2022**

**Date of decision : 19.05.2022**

**Joginder Kaur and another  
Vs.**

**....Petitioners**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: None for the petitioner.  
Mr. Sandeep Singh Deol, DAG, Punjab.  
Mr. Jasraj Singh, Advocate for the complainant.

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**MANOJ BAJAJ, J.**

Petitioners have filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0153 dated 29.08.2021 registered under Sections 328 and 34 Indian Penal Code, 1860 (Section 302 IPC added later on) at Police Station Hariana, District Hoshiarpur, who are in custody since their arrest on 30.08.2021.

The FIR was registered on the statement of Gurjit Singh son of Dalvir Singh, who stated that after his marriage with Manjit Kaur performed ten years ago, he started residing with her in her parental house along with his father-in-law-Gurwant Singh and his sister-Joginder Kaur. As per the allegations, on 27.08.2021 all the three gave him beatings and administered poison forcibly. On the basis of the statement, the FIR was registered initially for the offence punishable under Sections 328 and 34 IPC, but subsequently, upon demise of complainant on 29.08.2021, the offence punishable under Section 304 IPC was added.

During the course of hearing, it is not disputed by learned counsel

for the State as well as complainant that as per postmortem report, no external injury was found on the person of the deceased and cause of death is yet to be revealed as viscera report is awaited. According to learned State counsel, investigation of the case is complete as the final report stands filed on 29.10.2021, wherein the offence punishable under Section 304 IPC is substituted with the offence punishable under Section 302 IPC.

Learned counsel for the complainant has opposed the prayer on the ground that the victim got recorded his dying-declaration and has specifically named the accused, who are his wife and her aunt. According to him, Gurwant Singh was armed with danda, who gave a blow on his head, but does not dispute that no such injuries found as per the medical report (Annexure P-2) or postmortem report.

Considering the above background, custody of the petitioners, who are ladies and the fact that the trial is likely to consume considerable time to conclude as after framing of charges on 10.01.2021, no prosecution witness has been examined so far, this Court is of the opinion that further detention of the petitioners behind the bars would not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

19.05.2022

vanita

Whether speaking/reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |