

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.15829 of 2022
Date of Decision: April 22, 2022

Shashi Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Harshit Jain, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.37 dated 23.02.2022, under Sections 380, 328 IPC, 1860 and Section 411 IPC (added later on), registered at Police Station, City Sangrur, District Sangrur, who is in custody since her arrest on 02.03.2022.

The contents of the FIR, as noticed by the Additional Sessions Judge, Sangrur in his order dated 29.03.2022 while dismissing the bail application of the petitioner, are as under:-

“As per the prosecution version, FIR was got registered on the basis of statement of complainant Naresh Kumar, who alleged that he is doing the business of tiles under the name and style of Balaji Marble on Patiala Road Sangrur. His marriage was solemnized with Shashi Bala in 2004. He has one son aged 17 years and one daughter aged 16 years. His parents are

residing on ground floor while he is residing on the first floor. On 21.02.2022 at about 8:30 PM his wife Shashi Bala prepared Kheer Pura. He has given some kheer and Pure to his parents. His wife has taken out a portion of kheer and on asking for the reason for taking out a separate portion for herself, she replied that she will mix Shaker in the kheer and will consume later. At about 9:15 PM when he and his children ate some kheer, he felt some different taste in the kheer. He enquired from his wife but she told that he is unnecessarily getting finicky and she consumed her kheer. Thereafter, he and his children had not eaten the kheer. After some time they slept. On 22.02.2022 at about 8:30 AM when he woke up he felt that his head is heavy and his children were sleeping. Then he saw that his wife Shashi Bala was not there and his mobile phone was also not there. He also found his parents were also sleeping. He woke up his parents and told that Shashi Bala is not in the house. They searched for her but she was not there and they saw that main door of their house was open and was bolted from outer side. When he checked the Almirah he found that 15 tolas of gold, around Rs.40,000/- and ladies suits as well his mobile phone were missing and Shashi Bala had stolen the abovesaid articles. Hence, FIR.”

Learned counsel for the petitioner has argued that the petitioner and complainant Naresh Kumar (petitioner's husband) are having matrimonial dispute and for this reason, she has been falsely implicated in this case for committing alleged theft of gold ornaments. He submits that though it is also alleged that the petitioner served sweet dish mixed with poison, but she had also consumed the same food with the family and no complication was found with any of the persons. According to him, no sample of said sweet dish was even taken by the police, therefore, the alleged commission of offence punishable under Section 328 IPC would be debatable. He submits that the investigation of the case is nearly complete,

therefore, she be also released on regular bail.

On the other hand, learned State counsel assisted by ASI Baldev Singh, has opposed the prayer and according to him, though the sample of the sweet dish was not taken, but certain intoxicant tablets, i.e., CEMCO-10 were recovered from the petitioner. According to him, on the next day, the family members of the complainant had gone to the hospital as they felt dizziness. However, it is not disputed that the investigation is almost complete.

After hearing the learned counsel for the parties, considering the above background and the custody of the petitioner, this court is of the opinion that the possibility of conclusion of trial in near future does not seem to be probable. Admittedly, the material witnesses are either the complainant or the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

April 22, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No