

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-20750-2021 (O&M)
Date of Decision:- 11.5.2022

Gurdev Kaur and another Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Hans Raj.

Mr. Sandeep K. Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.48, dated 19.4.2021, Police Station Balachaur, District SBS Nagar, under Section 328 IPC.
2. The FIR was lodged on the basis of a statement of Harpreet Kaur recorded by the Magistrate on 19.4.2021 in P.G.I, Chandigarh, where she was admitted. The relevant extract from the said statement (Annexure P-1) reads as follows:

“Question:- What do you want to say?

Answer:- My mother in law and father in law whose name are Santokh Singh and Gurdev Kaur and their maternal grandson Dilpreet Singh abused me a lot and then Dilpreet Singh (Grandson) took Gandasi and came towards me and said that I will kill you and then my mother in law, father in law and grandson caught hold me and forcefully put medicine in my mouth, then I tried to save myself, but then also they put it in my mouth. This incident is of about 11'O Clock yesterday, the medicine was in powder form. When my family member came and my sister saw part of my face black, then she asked that, what is present in your mouth, then I told them all and they took me to the doctor. My husband doesn't call me and nor my children. There is also one case pending in the Court for about 1 years, in which no decision has been made yet. Earlier I use to stay in my parents home. It was about a year passed when I came to my matrimonial house, they use to behave with me in disrespectful way. My father in law does obscene acts in front of my children and also uses abusive language, its been 9 years of my marriage and FIR also has been registered but despite of compromise has been done but there is no change in their behavior. I need justice, I have small children and where will I take them.”

3. None has put in appearance on behalf of the petitioners. However, a perusal of the petition would show that the grounds taken therein are that the petitioners who are father-in-law and mother-in-law of the complainant have been falsely implicated and that it is not a case where the complainant had lost her life and that the complainant has

lodged a false case against the petitioners on account of strained relationships.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that having regard to the serious nature of allegations from which it is apparent that the petitioners had made an attempt to kill the complainant by administering poison/narcotics, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that pursuant to interim directions, the petitioners have since joined investigation and are not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that in statement of the complainant recorded under Section 164 Cr.P.C. there are allegations against the petitioners that they have administered some poison to her, but the said allegations do not stand substantiated from the medical evidence inasmuch as immediately when she was taken to hospital on the day of occurrence i.e. on 18.4.2021, the doctors treating her took a sample of 'Gastric Lavage' and upon analysis it has been found that no poison etc. was found in the same. The relevant extract from report of FSL dated 9.9.2021 (Annexure R-2) reads as follows:

“The extracts obtained from the contents of the parcel under reference have been analyzed separately by chemical, TLC and instrumental analysis. On the basis of analysis, none of the common narcotic drugs and psychotropic substances, poisons mentioned at serial

No.9 (Identification and tests) of this report could be detected in the content of the parcel.”

7. Having regard to the aforestated position particularly the report of FSL and the fact that the petitioners who are Senior Citizens have since joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 28.5.2021 is hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

11.5.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No