

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

CRM-M No.42377 of 2022

Date of decision: 9th November, 2022

Karamjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Teevar Sharma, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition filed by the petitioner under Section 439 Cr.P.C. in case bearing FIR No.476 dated 07.12.2020 registered under Sections 304-B, 498-A, 201, 120-B IPC at Police Station City Barnala, District Barnala.

In compliance of the order dated 21.09.2022, learned State counsel has filed status report by way of affidavit of Satvir Singh, PPS, DSP, Sub Division Branala along with the post-mortem report of the deceased, which are taken on record subject to just exceptions.

Learned counsel for the petitioner, inter alia contends that the petitioner, a 53 years old lady, is the mother in law of the deceased and has been in custody since 11.03.2021, in a case of false implication. While drawing the attention of this Court to the FIR

(Annexure P-1), he submits that as per the allegations leveled therein,

the deceased was forcibly administered poison however, the factum of forcible administration of poison to the deceased stands belied from the post-mortem report. Learned counsel submits that a false and fabricated version having been brought forth by the complainant is evident from the fact that no external marks or injuries were found on the person of the deceased, had it been a case of forceful administration of poison, some struggle marks/injuries on the person of the deceased would have then definitely been reflected in the post mortem report. He further submits that since the material witnesses stand examined and 19 more prosecution witnesses remain to be examined, further incarceration of the petitioner would serve no useful purpose, as the trial would take considerable time to conclude.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that there are serious and specific allegations leveled against the petitioner, who was the mother in law of the deceased, of subjecting the latter to mental harassment, as a result of which the deceased ended her life in her matrimonial home. He has, however, not been able to controvert the submissions made by the counsel opposite that the post-mortem of the deceased did not reflect any injuries on her person. Learned State counsel further submits that the complainant and one more material witness stand examined in the case in hand. On a query put to the learned State counsel, on instructions from ASI Gurcharan Singh, he

has apprised this Court that the petitioner is not involved in any other case.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner, who is a 53 years old lady, is not involved in any other criminal case and her further incarceration would not serve any useful purpose in view of the fact that the trial is unlikely to conclude in the near future as 19 more prosecution witnesses remain to be examined. In these circumstances, this Court deems it appropriate to allow the present petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 9, 2022

rps

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