

CRM-M-44440-2022

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

CRM-M-44440-2022

Date of decision: 28.09.2022

Kuldeep Kaur alias Balwant Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurcharan Dass, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.53 dated 09.04.2012, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana, under Section 307 IPC (Section 302 IPC added later on).

Learned counsel for the petitioner contends that during investigation conducted by the SIT, the petitioner was found innocent and accordingly, cancellation report was presented before the Illaqa Magistrate, but the same had not been accepted without any reason. He further contends that both the children of the deceased are residing with the petitioner, who is 75-year-old lady, that the list of witnesses have not been furnished by the prosecution, and that the due procedure had not been followed while not accepting the cancellation report.

Learned counsel further contends that Pritpal Kaur (since deceased) was discharged from the hospital and had expired in her house

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and that the petitioner, who is step mother-in-law of the deceased, was residing in a different house at the time of the alleged occurrence, and that she had no role to play in the alleged offences.

I have heard the learned counsel for the petitioner and gone through the documents on record.

Admittedly, the cancellation report was presented and the husband of the complainant had also made a statement qua accepting the same, but the Illaqa Magistrate had taken the cognizance.

The above-noted FIR was registered on the statement/dying declaration of the deceased. As per the prosecution version, on 08.04.2012, the petitioner came to the house of the complainant and asked for some food item; that when the complainant went to the kitchen, the petitioner had followed her to the kitchen; that the petitioner had taken the bottle of kerosene lying in the kitchen, and that the petitioner had set the complainant(since deceased) ablaze by sprinkling kerosene on her clothes, and that on 05.05.2012, the complainant succumbed to the burn injuries. Initially, the FIR was registered under Section 307 IPC, but Section 302 IPC was added subsequently to the same.

Keeping in view the fact that in the dying declaration, serious and specific allegations have been levelled against the petitioner, this Court does not find any merit in the present petition.

Dismissed.

28.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No