

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

119+212

**CRM-4247-2023 and
CRM-9082 of 2023 in/and
CRM-M-758-2023 (O&M)
Decided on : 24.02.2023**

Narinder Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. R. P.Dhir, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab

SANJAY VASHISTH, J. (Oral)

CRM-4247-2023

Prayer in the present application is for placing on record the statement of PW3-Pakhar Singh dated 03.01.2023 as Annexure P-6, opinion of cause of death dated 20.04.2022 as Annexure P-7, Statement of PW2 Balbir Singh dated 19.09.2022 and 03.01.2023 as Annexure P-8 and statement of PW4 Ashish Chauhan dated 18.10.2022 as Anneuxre P-9.

Notice of the application.

On asking of the Court, Mr. Vinay Kumar Gupta, AAG, Punjab, accepts notice on behalf of respondent-State. He does not raise any objection if the prayer made in the application is allowed.

There being no objection, prayer made in the application is allowed and accordingly, aforesaid documents are taken on record as Annexures P-6 to P-9.

Registry is directed to tag the same at appropriate place and then

to page mark accordingly.

CRM-9082 of 2023

Prayer in the present application is for placing on record the statement of PW-5 Dr. Amarjeet Singh dated 16.02.2023 as Annexure P-10 and affidavit of Dr. Amarjeet Singh dated 16.02.2023 as Annexure P-11.

Notice of the application.

On asking of the Court, Mr. Vinay Kumar Gupta, AAG, Punjab, accepts notice on behalf of respondent-State. He does not raise any objection, if the prayer made in the application is allowed.

There being no objection, prayer made in the application is allowed and accordingly, aforesaid documents are taken on record as Annexures P-10 to P-11.

Registry is directed to tag the same at appropriate place and then to page mark accordingly.

CRM-M-758-2023:-

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner, namely, Narinder Kaur, aged 61 years, who has been booked for having committed the offences punishable under Sections 302, 34 IPC in case FIR No. 42 dated 17.02.2022, registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated as accused in the present case and there is no substance or evidence against her. Counsel for the petitioner submits that Pardeep Kaur is deceased in the present case, who died on 15.02.2022 and her dead body was cremated, admittedly, in the presence of complainant. It

is also argued that FIR version was first time presented before the police by the complainant after two days i.e. on 17.02.2023 and still there is no specific allegations against the petitioner. Counsel also refers to the opinion regarding cause of death given by the Doctor and submits that no poison was detected and death is opined due to *asphyxia caused by ligature mark*. Thus, counsel for the petitioner argues that allegations of giving injuries is completely ruled out and may be, it is a case of committing suicide.

Opinion of doctor dated 20.04.2022 regarding cause of death as projected by the petitioner is reproduced here-in below:

“As per report of chemical examiner to Govt. of Punjab with Dispatch No. 2084 dated 12.04.2022 in case of Pardeep Kaur w/o Manjit age 32/F PMR No. AS/1/2022/BOARD, no poison detected in contents of exhibits I, II, III, IV, V, VI.

So final cause of death is -All inquiries are antermortem in nature and cause of death in this case is due to asphyxia caused by ligature mark as described for inquiry No. (1) of which possibility of it not being of homicidal nature cannot be ruled out.

Sd/- 20.04.2022.”

3. Per contra, Mr. Vinay Kumar Gupta, AAG, Punjab, submits his status report by way of affidavit of Daljit Singh, PPS, Deputy Superintendent of Police, Sub-Division, Garhshankar, District Hoshiarpur on behalf of respondent-State. Same is taken on record. Registry is directed to tag the same at appropriate place.

He submits that it is a serious crime committed by the accused

persons collectively as there is allegation that all the accused were harassing Pardeep Kaur (now deceased) for the demand of dowry of Rs.50,000/-. However, learned State counsel is unable to point out anything specifically alleged in the FIR against the petitioner. He informs this Court that investigation in the present case is complete and after submission of report under Section 173 Cr. P.C., statements of 4 prosecution witnesses out of total 16 witnesses have been recorded and next date fixed before trial Court for recording of evidence is 27.02.2023.

4. I have considered the submissions of both the sides, and perused the case file.

5. On reading of translated version of FIR attached with the petition it is noticed that there is nothing alleged in specific, against the petitioner. However, allegation regarding demand of dowry of Rs. 50,000/- is levelled against Manjit Singh, who was husband of the deceased. Marriage of Pardeep Kaur and Manjit Singh took place on 23.02.2021 and no child was born out of said wedlock. However, both of them were having one child each from their previous marriages. I have also seen opinion of the Doctor regarding cause of death, as referred by counsel for the petitioner and also as reproduced here-in above. As per said opinion, cause of death is due to *Asphyxia* and thus, submission of petitioner that in all probability death was due to committing of suicide, cannot be ruled out.

This Court has also noticed that *petitioner is a woman and as per proviso to Section 437 (1) Cr. P.C., 'Court can take lenient view for releasing on bail to the person, who is under the age of Sixteen years or is a women or is sick or infirm.'* It is not disputed that investigation has already been completed and trial is in progress. There is nothing available on record

to assume that petitioner would influence the witnesses.

6. Learned State counsel has also produced the custody certificate of the petitioner and same is taken on record. Registry is directed to tag the same at appropriate place.

As per said custody certificate, petitioner had already undergone her sentence of more than one year. It is also undisputed that petitioner being woman, is not involved in any other case.

7 In totality of the facts and circumstances as submitted by respective counsel and as recorded here-in above and also the fact that petitioner is inside jail since 22.02.2022, no purpose can be achieved by keeping her inside jail, during the pendency of the trial. Therefore, present petition is **allowed**.

Accordingly, petitioner is ordered to be released on bail in this case, subject to her furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Observations made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Disposed of.

(SANJAY VASHISTH)
JUDGE

24.02.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~