2023:PHHC:039747

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

210

CRM-M-12480-2023 (O&M)
Date of decision: 17.03.2023

Seema Devi .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

****

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.323 dated 01.10.2022 under Sections 307, 328 and 342 of the Indian Penal Code, 1860 registered at Police Station Babain, District Kurukshetra.

Learned counsel appearing for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that a highly improbable version has been brought forth therein by the complainant that the petitioner who happens to be her aunt-in-law forcibly administered 03 tablets of sulphas and thereafter closed her mouth. Learned counsel while drawing the attention of this Court to the MLR which has been annexed as Annexure P-2, submits that the occurrence allegedly took place at about 09:00 A.M. on 30.09.2022, however, the complainant was brought to the hospital only at about 02:00 P.M. on the same day

VINAY
2023.03.18 16:42
I attest to the accuracy and
authenticity of this document

and still further a perusal of the MLR clearly revealed that there were no external injuries present on the person of the complainant. Learned counsel submits that had it been a case wherein the complainant had been forcibly administered sulphas by the petitioner, some resistance would have been surely put up by the complainant which in turn would have found reflected in the form of some bruises on her person which admittedly was missing. He further submits that as per the MLR, the complainant was conscious and oriented to time, place and her vitals were also normal, however, for reasons but obvious she chose not to get her statement under Section 164 of the Cr.P.C. recorded on the same day but got it recorded after 06 days of the occurrence in question. In support, learned counsel has drawn the attention of this Court to Annexure P-3. Learned counsel submits that it, therefore, leaves no manner of doubt that a false and fabricated case has been foisted upon the petitioner only because there was some dispute between the parties.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that there are serious allegations against the petitioner of having forcibly administered poison to the complainant which finds due corroboration from her MLR wherein gastric lavage was done upon her. He further submits that the charges are likely to be framed on the next date of hearing i.e. 22.03.2023.

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

In the instant case investigation is complete and challan

VINAY
2023.03.18 16:42
I attest to the accuracy and
authenticity of this document

stands presented. Since charges have not yet been framed and as many as 17 prosecution witnesses have been cited, the trial is going to take considerable time to conclude. Hence, in the aforementioned facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.03.2023 (**MANJARI NEHRU KAUL**)
Vinay **JUDGE**

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

VINAY
2023.03.18 16:42
I attest to the accuracy and
authenticity of this document