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2023:PHHC:156580

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-44867 of 2023 (O&M)
Date of Decision: 07.12.2023

Manjit Kaur ...Petitioners
Vs.
State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rishabh Gupta, Advocate for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

CRM 72277 of 2023

1. Allowed, as prayed for.
2. Opinion of doctor dated 14.02.2023 (Annexure P-7) is taken on record.

CRM M-44867 of 2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.115 dated 23.11.2022 registered under Sections 302 and 34 IPC (Section 201 IPC added later on) at Police Station Sadar Moga, District Moga.
2. The FIR in the present case was registered on the basis of the statement made by Sadhu Singh @ Jagroop Singh, father of the deceased. As per the complainant, his elder daughter Manpreet Kaur

was married to Jagsir Singh son of Darshan Singh, about 8 years ago and out of the said wedlock, a son Diljot Singh and a daughter, namely, Navpreet Kaur were born. Since the date of her marriage, his daughter Manpreet Kaur was subjected to harassment and maltreatment by her mother-in-law Manjit Kaur (petitioner), her husband Jagsir Singh and her sister-in-law Kulwant Kaur. On earlier occasions also, there were disputes in the matrimonial home of his daughter, but the same was resolved with the intervention of the respectables. At about 8.30 p.m. on 22.11.2022, the complainant received a phone call from his daughter that her mother-in-law Manjit Kaur (petitioner) and her husband Jagsir Singh had been harassing and maltreating her since morning without any reason and had been troubling her on petty matters. Her sister-in-law Kulwant Kaur had also joined hands with them and she was very upset. He consoled his daughter and assured that they would talk to the family of her in-laws. At about 6.30 am on 23.11.2022, the complainant received a phone call from the Sarpanch Ram Singh that his daughter, namely Manpreet Kaur had died due to cardiac arrest and when they reached her village, the dead body of his daughter was lying on a cot in the village. With these main allegations, the FIR was registered against the present petitioner and two other persons.

3. Learned counsel for the petitioner contends that the marriage between Manpreet Kaur (since deceased) and Jagsir Singh was solemnized about 08 years ago and they were blessed with a son

and a daughter. Learned counsel further contends that the petitioner was arrested in the present case on 25.11.2022 and is in custody for the last more than 01 years. He further contends that co-accused Kulwant Kaur daughter of the petitioner has already been ordered to be released on bail by this Court vide order dated 14.07.2023 (Annexure P-6). Learned counsel further contends that in the present case, as per the postmortem report, there are no injuries on the person of the deceased and only bleeding was present from nose. He further contends that no poison was detected in the viscera sent by the doctors after the postmortem examination of Manpreet Kaur. Even the opinion rendered by the doctors regarding the cause of death was very vague and the medical opinion does not find support from the ocular account.

4. A short reply by way of an affidavit of the Deputy Superintendent of Police, (Narcotic) Moga has been filed on behalf of the respondent-State and the same is taken on record.

5. Learned State counsel has vehemently opposed the grant of concession of bail to the present petitioner on the ground that she was named as one of the accused in the present FIR. Even as per the medical opinion, the cause of death in the present case is asphyxia due to lack of oxygen and excess of carbon dioxide in the body.

6. I have heard learned counsel for the parties and perused the record.

7. It is not in dispute that there are 21 witnesses and charge has been framed against the petitioner. Even there are contradictions between the medical evidence and the ocular account. Apart from that, daughter of the petitioner, namely, Kulwant Kaur has already been granted the concession of bail vide order dated 14.07.2023 (Annexure P-6) passed by this Court.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

07.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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