

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 14.12.2023

CRM-M-57273-2023

Devinderjit Kaur Petitioner

Versus

State of Punjab Respondent

CRM-M-58361-2023

Surjit Kaur and another Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Mohit Kapoor, Addl. AG, Punjab.

Mr. J.K.Singla, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

Status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Budhlada, District Mansa along with MLR as well as medical opinion given by the doctor of the complainant (Annexures R-1 and R-2) filed on behalf of respondent-State in Court today, is taken on record subject to all just exceptions.

Main case

This order shall dispose of above-said two petitions as both

of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-57273-2023.

2. Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.181 dated 15.10.2023 under Sections 328 IPC registered at Police Station Boha District Mansa.

3. Learned counsel 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, *inter alia* contends that the only role attributed to the petitioner Devinderjit Kaur is of having kept her hand on the chest of the complainant while the co-accused i.e. her husband and her mother tried to forcibly administer poisonous substance to the complainant. Qua petitioner No.1 Surjit Kaur (mother of Devinderjit Kaur) and petitioner No.2 - Jaguvinder Singh (husband of Devinderjit Kaur) in CRM-M-58361-2023, learned counsel has submitted that it was both of these petitioners, who had immediately removed the complainant to the hospital after she had consumed poison. Hence, had the petitioners forcibly administered the poison to the complainant they would not have taken her to the hospital and furthermore, some resistance would have been shown by the complainant when she was allegedly administered poison by the petitioners. Learned counsel has further submitted that the petitioner Devinderjit Kaur was not even present at the place of occurrence as it was a matter of record that she was with her daughter at the Rehabilitation Centre at Mohali on the fateful day at the relevant time and furthermore, the MLR was completely silent with respect to any injury or bruises on the person of the complainant, which in turn left no manner of doubt qua a false and fabricated case having been planted

upon the petitioners. Learned counsel has reiterated that in fact it is the complainant, who had herself consumed the poisonous substance and attempted to end her life.

4. Learned State counsel assisted by counsel for the complainant has disputed the submissions made by the counsel opposite and also opposed the prayer made for grant of anticipatory bail. Learned State counsel has submitted that after the complainant Gagandeep Kaur had been admitted in the hospital on 13.10.2023, she remained unfit and it was only once she was declared fit on 14.10.2023 that she made her statement before the police wherein she gave out the details about the occurrence in question and also levelled specific allegations against the petitioners, which in turn find due corroboration from the medico-legal report of the complainant. Learned counsel for the State has further disputed the submissions made by the counsel for the petitioners that there was no injury mark much less any bruise on the person of the injured from which it was discernible that she had not been forcibly administered poison but had consumed it herself. While drawing the attention of this Court to the medico-legal report, learned counsel has submitted that on examination bruise/contusion was noticed on the left upper arm of the complainant along with notable signs of injuries on her face as well as laceration on her neck, which *prima facie* corroborated the version given in the FIR that the petitioners had forcibly administered poison to the injured. Learned State counsel has thus, prayed for dismissal of the instant petition in view of the serious allegations levelled against the petitioners.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. As per allegations levelled in the FIR, the petitioners had forcibly administered chloro + cypermethrin combination and thereafter, when she was admitted to the hospital, she remained unfit. It was only on her being declared fit, the complainant lodged the present FIR wherein she specifically detailed as to how she had been forcibly administered the poison.

7. In view of the serious allegations levelled against the petitioners, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioners. Accordingly, the present petition(s) stands dismissed.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

14.12.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No