



HEMLATA
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younger son Hardeep Singh is still single. My elder son Ravinder Singh has gone abroad to Greece. I and my husband Sohan Singh, son of Rakha Singh, a resident of village Saila Kalan, aged about 75 years, my younger son Hardeep Singh and my daughter-in-law Sukhwinder Kaur lived with our grandson. My daughter-in-law Sukhwinder Kaur often used to fight with us over household work. Today on 31-08-2023, my youngest son Hardeep Singh had gone to work in the fields. I and my husband Sohan Singh and daughter-in-law Sukhwinder Kaur were present in the house, and even today Sukhwinder Kaur was beating her little son Bajdeep aged about one and a half years old. I stopped my daughter-in-law from beating the child, who quarreled with me. Sukhwinder Kaur caught hold of me by the hairs and started beating me. Then my husband Sohan Singh tried to rescue me on that side, then my daughter-in-law Sukhwinder Kaur kicked him on his stomach and other part of the body, and due to that, my husband fell on the floor. He fell down and became unconscious. So, I called my son Hardeep Singh home, who arranged a vehicle and took my husband Sohan Singh to Bhagat Hari Singh Charitable Hospital village Dadyal for treatment, where the doctor declared my husband dead. My husband died due to kicking on his stomach and other parts of his body during a fight with my daughter-in-law Sukhwinder Kaur. Legal action should be taken against her. The real fight is that Sukhwinder Kaur keeps fighting and beating us because of household work, car and children. This statement is recorded today on 31/08/2023 at 10-10:30 AM. My son brought my husband's dead body back home, and we have come to inform ourselves in this regard. Action should be taken. I have written my statement in the presence of my son Hardeep Singh. Heard the statement, which is correct. RTI Mahinder Kaur, Hardeep Singh.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, as per case of the prosecution,



the only role attributed to the present petitioner is that she had caused injuries with kicks to the deceased. While relying upon the Post-Mortem Report (Annexure P-2), learned counsel for the petitioner contends that her father-in-law Sohan Singh, aged about 75 years had suffered only one injury i.e. “Blush black bruise around 4 to 5 cm present in the left subcoastal region; On further dissection underlying 11th, 12th rib fracture was present; Spleen hilum ruptured and blood present in peritoneal cavity”. He further contends that it appeared that due to fracture of 11th and 12th ribs, the spleen was ruptured leading to hemorrhage and shock and Sohan Singh had succumbed to the said injury. Learned counsel further contends that as per the admitted case of the prosecution, the petitioner was empty handed and the only role attributed to the petitioner is that she had given kick blows to the deceased. He further contends that in fact due to scuffle, Sohan Singh had fallen down and had suffered injuries on his ribs, which proved fatal for him finally. Thus, the petitioner had no intention to cause death of Sohan Singh. He further contends that at the worst, the petitioner could be prosecuted for an offence under Section 325 IPC as she had no intention to cause the death of her father-in-law. Learned counsel further contends that even the petitioner was arrested in the present case on 31.08.2023 and her 10 months old son is also staying with her in the jail. Learned counsel has referred to the compromise deed (Annexure P-4) between her and the complainant side and submitted that the parties have amicably resolved all their disputes. Even as per the compromise deed (Annexure P-4), Sohan Singh had suffered a single injury accidentally in a quarrel and due to the said injury, he had expired. Learned counsel further contends that in the present case, the



conclusion of the trial may take quite a long time and her further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and had caused the fatal blow, resulting in the death of Sohan Singh. Thus, the petitioner does not deserve the concession of bail by this Court.

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

6. In the present case, admittedly, the petitioner was shown to be empty handed and the only role attributed to her is that she had caused a blow with kick on the chest of Sohan Singh, aged about 75 years. Even Sohan Singh suffered only one injury on his chest and had died due to the said injury. In the present case, the applicability of the offence under Section 304 IPC would be debatable, which shall be proved by the prosecution during the course of trial. Moreover, the petitioner is in custody since 31.08.2023 and 10 months old baby is staying with her in jail.

7. Thus, taking a lenient view of the matter, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

27.05.2024.
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(N.S.SHEKHAWAT)
JUDGE

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