

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

**Reserved on : February 20, 2024
Pronounced on : February 22, 2024**

CRM-M-34826-2023

Kulwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By -Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

None for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for her release on regular bail in case FIR No.106 dated 20.07.2018 under Section 304 IPC, registered at Police Station Kabarwala, District Shri Muktsar Sahib. This is her second petition for this purpose. The earlier petition bearing CRM-M-3598-2020 was dismissed by this Court on 31.01.2020 (Annexure P-3).

2. As per allegations, marriage of the petitioner was solemnized with complainant Palwinder Singh about 17-18 years back, prior to the registration of the FIR. Parents of the complainant resided with him. There used to be matrimonial disputes between the petitioner and the complainant. On 10.07.2018 at about 10.30 p.m. as the complainant came

back from his fields, a dispute took place between him and the petitioner, when he switched on the light while having dinner. Shri Chanchal Singh, father of the complainant reached there and tried to intervene, at which petitioner got infuriated and threw Chanchal Singh on the ground and started giving beatings to him. Chanchal Singh being an old person was suffering from heart ailment. As the complainant tried to intervene, petitioner inflicted kick and fist blows on neck, abdomen and testicles of Chanchal Singh. On the alarm raised, other neighbours reached the spot and rescued Chanchal Singh, who was taken to the hospital, but could not survive.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated by lodging FIR with delay of 02 days from the occurrence; that petitioner was not holding any weapon; that petitioner is an old woman and is in custody for the last more than 02 years and 10 months; that trial is likely to take long time to conclude and that in all these circumstances, she be allowed bail.

4. Learned State counsel has opposed the bail petition by submitting that specific injuries are attributed to the petitioner to have been caused to deceased Chanchal Singh, who was an old person and that though the petitioner was not armed with any weapon, but kick blows were given on the sensitive part of the body of the deceased, resulting in his death.

5. At the same time, it is informed by learned State counsel that out of 30 witnesses cited by the prosecution, only 04 have been examined

so far, despite the fact that charges were framed way back on 11.10.2019.

6. Apart from above, the custody certificate reveals that the petitioner is in custody for the last 02 years, 10 months and 11 days. She has no other criminal case pending against her. She is a woman having two children. The earlier bail petition was dismissed at the initial stage of the case on 31.01.2020, i.e. more than 04 years back.

7. Having regard to all the aforesaid facts and circumstances and considering that the trial is likely to take long time to conclude having long list of prosecution witnesses and the snail pace, at which the trial is proceeding, but without commenting anything further on the merits of the case, petitioner is admitted to bail. She is ordered to be released on regular bail on her furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

8. Allowed.

February 22, 2024

Sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No