

2024:PHHC:126081



211.

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

CRM-M-38273-2024

Date of decision: 23.09.2024

Kamaljeet Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kartik Patial, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Randeep Singh, Advocate, for the complainant.

GURBIR SINGH, J. (Oral)

1. This petition has been filed under Section 482 of B.N.S.S., 2023 for grant of anticipatory bail to the petitioner in case FIR No.52, dated 17.05.2024, under Sections 304, 148, 149 of IPC, registered at Police Station Sadar, Patiala.

2. The aforesaid FIR was registered on the statement of Baljinder Kaur with the allegation that the present petitioner, namely, Kamaljeet Kaur, who happens to be her mother-in-law (tayi sas) and has been settled in Canada since 11/12 years with her family and has joint khewat in their agriculture land, came to India a month back and sold her land to one Rulda Singh. In order to get possession of the land, petitioner, Rulda Singh along with 15/20 unknown persons came in five cars with danda (sticks) and sotas

on 09.05.2024. At that time, Paramjit Kaur (chachi sas) and Nachattar Kaur (daddi sas) of complainant were present in the house and the complainant called them outside for having talks with the petitioner. Nachhattar Kaur asked the petitioner that without partition, how she could sell the land. On which, petitioner pushed Nachattar Kaur and she fell on the ground and received internal injuries and became unconscious. She was taken to hospital and succumbed to the injuries on 15.05.2024.

3. Vakalatnama filed on behalf of complainant in Court today, is taken on record.

4. Vide order dated 07.08.2024, this Court had granted interim bail to the petitioner and directed her to join investigation.

5. Pursuant to order dated 07.08.2024, short reply by way of affidavit dated 22.09.2024 of Gurpartap Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Patiala, on behalf of respondent-State of Punjab, has been filed in Court today, which is taken on record. On the basis of said reply, learned State counsel submits that pursuant to order 07.08.2024, petitioner has not joined the investigation. She further submits that during the course of investigation, medical opinion of the doctor was received vide report dated 17.05.2024, which reads as under:-

“The cause of death in this case diseased condition described (infarct, hemiplegia, cerebral atrophy and necrotic changes in brain). The injuries on the body of the deceased are not sufficient to cause death.”

On the basis of medical opinion, cancellation report dated 21.07.2024 has been prepared, which has been submitted before the concerned Magistrate.

6. Learned counsel appearing on behalf of complainant has not disputed the medical opinion of the doctor dated 17.05.2024.

7. In view of the fact that since cancellation report in this case has been filed before the concerned court, now there is no threat to the petitioner that she would be apprehended. In the absence of any threat, petitioner is not entitled for anticipatory bail.

7.1 This petition is dismissed. The petitioner is given liberty to file a petition for anticipatory bail in case any necessity arises.

(GURBIR SINGH)
JUDGE

September 23, 2024
sanjeev

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