

Sr. No.215(01)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52270-2022 (O&M)
Date of decision: 01st April, 2024

SURINDER KAUR @ SALVINDER KAUR**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gurmeet Singh, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. A.S. Dhindsa, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.12 dated 14.02.2022, under Section 304-B, 120-B IPC (Section 302 IPC added later on), registered at Police Station Kacha Pacca, District Tarn Taran, Punjab.

2. As per the prosecution version, the daughter of the complainant got married to the son of the petitioner on 30.11.2021. Sufficient dowry articles were given at the time of the marriage. However, soon after their marriage, the son of the petitioner (husband) started harassing and torturing the daughter of the complainant. On 12.02.2022, the daughter of the complainant informed him that she has been beaten up by her husband and a car has been demanded from her. On the next day i.e. 13.02.2022 at about 07:00 PM, the complainant received a phone call from his son-in-law (petitioner) informing that his daughter has died due to heart attack. On receiving the said information, the complainant, along with his

relatives, immediately reached the matrimonial house of his daughter. On checking the dead body of his daughter, the complainant found some strangulation marks on her neck as well as some injury marks on her body, as such, he reported that matter to the Police. Postmortem examination of the deceased was also got conducted.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is the mother-in-law of the deceased. The FIR was registered at the instance of the father of the deceased. It is further contended that the petitioner is in custody for the last more than 02 years. She has been falsely implicated in the present case. Challan has already been presented before the trial Court and charges have been framed. No prosecution witness has been examined till date. The prosecution witnesses are not appearing. The trial Court has issuedailable warrants for procuring the service of the prosecution witnesses. It is further contended that this is the second petition seeking bail under Section 439 Cr.P.C. The first petition filed under Section 439 Cr.P.C. was dismissed as withdrawn as per the order dated 26.08.2022, passed by the co-ordinate Bench of this Court (Annexure P-7). Learned counsel for the petitioner further contends that the petitioner is in custody since long time and she is ill having various medical symptoms which cannot be treated in jail. The condition of the petitioner deteriorated and she was admitted to PGI on 18.10.2022, from where she was discharged after being treated for 10 days. The jail staff again got the petitioner admitted in Guru Nanak Dev Hospital, Amritsar. At the time of filing the present petition also, the petitioner was admitted in Guru Nanak Dev Hospital, Amritsar. In this regard, reference to the medical record of the petitioner (Annexures P-5 and P-6) has also been made.

4. Learned State counsel has filed status report by way of affidavit of

Camp at Bhikhiwind, District Tarn Taran, along with the medical status of the petitioner, which has been annexed as Annexure R-1. Relevant portion regarding verification of the facts pertaining to the health condition of the petitioner reads as under:-

“4. xxxxxx

During the course of verification, the petitioner namely Surinder Kaur @ Salwinder Kaur has been medically examined by the Medical Officer, Central Jail, Amritsar on 14.03.2023 and after examining the petitioner, the concerned Medical Officer opined that the petitioner has previous history of feeling pain at left hypochondriac region of abdomen and as per the petitioner, she also has backache, hyperacidity, weakness and eyesight diminution and she received medication in Central Jail, Hospital for these complaints and her vitals are as : BP 140/90 mm/hg, Pulse-98 bps, SpO2- 98% and after conducting the medical examination of the petitioner, the concerned Medical Officer finally opined that “as per the condition of the petitioner, she has no fresh complaint of any acute problem and if needed, the petitioner will be referred to higher center.”

4.1 However, learned State counsel, assisted by the counsel for the complainant, has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned State counsel has filed custody certificate of petitioner/accused Surinder Kaur, which is taken on record. As per the custody certificate, the petitioner has undergone 02 years 01 month and 12 days of sentence. Learned State counsel has further confirmed that challan has been presented before the trial Court and charges have been framed. No prosecution witness has been examined.

5. I have considered the aforesaid contentions.

6. No doubt, the facts of the case and the allegations levelled against the petitioner are serious in nature. The victim was a young female who got married recently and died within a period of 03 months of her marriage. However, the age

of the petitioner is more than 70 years. The petitioner is a senior-citizen having various age-related health issues and for the same, she has remained hospitalized as well and there is medical history of the petitioner.

7. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. Examination of the prosecution witnesses and conclusion of trial is likely to take some time. There is no apprehension of absconding of the petitioner during the trial, as such, without commenting on the merits of the case and keeping in view the age of the petitioner and the fact that she is a female, who is suffering from various age-related medical issues, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.

(HARPREET KAUR JEEWAN)
JUDGE

01st April, 2024
sim

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