



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

244

CRM-M-9803-2025

Date of decision: July 8<sup>th</sup>, 2025

Rajbala

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. P.S. Ahluwalia and Mr. Jaiveer Singh, Advocates  
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

Mr. Himmat Singh Deol, Advocate  
for the complainant.

**MANJARI NEHRU KAUL, J.**

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.287 dated 21.08.2022 registered at Police Station Kasola, District Rewari, under Sections 302, 328, 323, 201, 120B and 34 of the Indian Penal Code, 1860.

2. Learned counsel for the petitioner has argued that the petitioner been falsely implicated and there exists no direct evidence linking her to the alleged act of poisoning the deceased Bhagwan Singh to death. It is submitted that the FIR (Annexure P-1), was lodged after a substantial and unexplained delay of more than five months from the date of occurrence (07.03.2022); it appears to be a product of afterthought and *mala fide* intent, especially in the light of ongoing civil and property disputes involving the complainant and deceased Bhagwan Singh.

3. It has been further contended that the complaint was lodged solely by the brother of the deceased, who was estranged from the latter, along with other family members. In contrast, the petitioner was residing with the deceased during the last stages of his life while he was undergoing intensive treatment for advanced-stage cancer at reputed institutions, including Medanta and Paras Hospitals. Learned counsel for the petitioner further argues that there is a complete absence of any overt act, let alone the requisite *mens rea*, attributable to the petitioner. It is a matter of record that throughout the period the deceased was residing with the petitioner, he was consistently cared for by the petitioner on multiple occasions, including at the time of his death. Learned counsel has still further submitted that if the petitioner had the alleged motive ascribed to him, he would not have taken the deceased to the hospital or even inform the doctor. This action, according to the learned counsel, significantly reinforces the *bona fides* of the petitioner and undermines the theory of motive or intent, which the prosecution has tried to trump up against the petitioner.

4. In support, learned counsel has also placed reliance upon the testimony of Dr. Rajiv Vig annexed as Annexure P-15.

5. Learned counsel for the petitioner has drawn the attention of this Court to the Post-Mortem Report annexed as Annexure P-3. It has been contended that a perusal of the Post-Mortem Report does not disclose any signs of external injury, struggle, or forcible administration of any substance. Further, the learned counsel has also referred to the medical opinion rendered by Dr. Naveen Yadav annexed as Annexure P-16, wherein he too has suggested that the cause of death

was poisoning by aluminum phosphide in an “already compromised person”. Learned counsel for the petitioner has vehemently argued that considering the highly pungent and corrosive nature of aluminum phosphide, its administration without detection appears implausible, particularly in the absence of any burns or spill marks on the upper body of the deceased much less in and around his mouth. Learned counsel for the petitioner has also drawn support from the judgment rendered by the Hon’ble Supreme Court in *Darshan Singh Versus State of Punjab 2024 INSC 19*, where it was held that in cases involving poisoning, absence of injury, resistance, or compelling evidence of forced administration creates serious doubt regarding the version of the prosecution.

6. It has still further been pointed out by the learned counsel that the entire case of the prosecution is based solely on circumstantial evidence. Out of the 32 prosecution witnesses cited, 11-including the material witnesses-have already been examined, ten have been given up, and there is no testimony of any of the material witnesses so far which directly implicates the petitioner. It has been, therefore, prayed that since the petitioner, who is a 53 year old woman has been in custody for more than two years having been arrested on 08.05.2023, her further incarceration would serve no useful purpose. It has also been argued that the petitioner is neither a flight risk nor likely to tamper with evidence; she is entitled to the statutory benefit under Section 437 of the Cr.P.C./480 of the BNSS being a woman.

7. Learned State counsel assisted by the counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel for the petitioner. It has been submitted that the petitioner

in conspiracy with co-accused persons, administered poison to the deceased who was ailing, with the intent of securing pecuniary benefits. It has been argued that the material collected during investigation, including the disclosure statements made by the petitioner, alleged involvement in insurance and transfer of properties post-death of the deceased, and her admitted presence in the household/house at the time of death of the deceased clearly indicates a premeditated conspiracy.

8. It has also been contended that prior to his death, the deceased had executed documents, including a Will and property deeds, favouring the petitioner and her associates, thereby giving rise to a potential motive.

9. The learned counsel for the complainant has emphasised that in cases of death within the shared residence, the burden to explain the circumstances rests at least in part, on the cohabitant.

10. Nevertheless, the State has not controverted, on instructions, that the entire case of the prosecution hinges on circumstantial evidence. It is also not in dispute that the medical evidence on record reveals no external injuries or any indicators of forcible administration of poison. Furthermore, the status of the trial, with a substantial number of witnesses either examined or given up, has also been conceded by the learned State counsel, on instructions.

11. I have heard learned counsel for the parties and perused the relevant material on record.

12. The occurrence in question took place on 07.03.2022 and the FIR in question was lodged after a delay of more than five months on 21.08.2022, which, in the absence of any convincing explanation,

*prima facie* casts a shadow on the spontaneity and credibility of the version brought forth in the FIR in question. The admitted civil litigation and estrangement among family members further raise a considerable doubt regarding the narrative of the prosecution and possible grounds of *mala fide*.

13. The case of the prosecution hinges entirely on circumstantial evidence. No direct evidence has been brought on record to demonstrate the active role of the petitioner in administering the poison. As of now, the evidence recorded during trial has not yielded any incriminating material that directly implicates the petitioner. Furthermore, the post-mortem and expert opinion suggests the cause of death as poisoning due to consumption of aluminum phosphide in an already physically compromised person. However, crucially, no signs of resistance, scuffle, or external injuries have admittedly been found on the person of the deceased. The natural properties of aluminum phosphide-pungency and corrosiveness make its clandestine administration without detection highly unlikely. These aspects raise substantial doubts over the version of events as projected by the prosecution.

14. The petitioner has already undergone incarceration for more than 2 years and 2 months ever since her arrest on 08.05.2023. Out of the 33 cited witnesses, 13 have been examined, and ten have been given up, indicating that the trial though ongoing is not at an initial stage. The likelihood of the trial getting prolonged strengthens the case of the petitioner for release on bail, especially when the petitioner has

no previous criminal antecedents and is unlikely to flee or tamper with evidence.

15. The petitioner, being a woman, is entitled to the statutory benefit under Section 437 of the Cr.P.C./480 of the BNSS.

16. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

July 8<sup>th</sup>, 2025  
*Puneet*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : Yes