

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Luvinder Sofat, Advocate,  
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Custody certificate dated 03.03.2025 filed by learned State counsel in Court today is taken on record.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

| FIR No. | Dated      | Sections                           | Police Station                    |
|---------|------------|------------------------------------|-----------------------------------|
| 58      | 06.04.2023 | 304 IPC<br>(302 IPC added lateron) | Sadar Samana,<br>District Patiala |

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, a lady aged about 51 years, has been falsely implicated in this case. He contends that the petitioner is in custody since 06.04.2023 and has no criminal antecedents. He contends that even as per the post mortem report, the cause of death in the



present case is due to heart attack which is not at all having direct connection with the alleged injury caused by the petitioner. He contends that the complainant, namely Gurdeep Kaur, and also the other material witness, namely Kashmir Singh, have been examined as PW-2 and PW-1, respectively, who have not fully supported the case of the prosecution. He contends that even otherwise it is clear from the reply filed by the State that the deceased was discharged from the hospital after giving treatment on account of having received injury, allegedly at the hands of the petitioner and it was later in her house that the deceased suffered heart attack and died. He contends that the alleged death on the part of the petitioner is not having any remote connection with the death of the deceased. He further contends that the prosecution has also relied upon one video clip, however, the same is not having any relevance qua the death of the deceased. The prosecution has cited 28 witnesses and till date only 03 witnesses have been examined and the petitioner is lingering on in custody. Hence, the instant petition.

4. *Per contra*, learned State counsel, referring to the status report dated 16.07.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Samana, District Patiala, has assailed these arguments and prayed for dismissal of the petition, keeping in view the gravity of the offence, however, he has stated that the petitioner is alleged to have given brick bat blow on the forehead of the deceased due to which he was taken to the hospital and after putting



stitches, he was discharged from the hospital and came back home. He has not disputed that the cause of death, as per the post mortem report is due to heart attack.

5. After considering the respective arguments and perusing the record, it transpires that as per the facts of the case, the petitioner is alleged to have given brick bat blow on the forehead of the deceased due to which he suffered injuries and was shifted to hospital where he was given treatment and after putting stitches was discharged. It is evident from the perusal of the post mortem report dated 07.04.2023 (Annexure P-3) that the deceased was brought in causality on 05.04.2023 where, he had refused for medico legal opinion. It is evident from the reply filed by the State (supra) that after giving treatment, the deceased was discharged from the hospital and went home. Later he suffered heart attack at her house and even it is evident from the reply that on receipt of viscera report, the medical opinion suggested the cause of death to be acute myocardial infarction. The connection of injuries allegedly caused by the petitioner with the demise of the deceased could only be ascertained during the course of trial which will take sufficient long time to conclude in order to ascertain the criminal liability, if any, of the petitioner, who is a lady aged about 51 years of age, having no criminal antecedents, is already in custody since 06.04.2023. As stated above, only 03 witnesses have been examined out of 28 prosecution witnesses, therefore, no purpose would be served in detaining the petitioner in custody any longer to



face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on her furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that she will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, she will seek prior permission of the concerned Court qua her exemption to appear on the date fixed and she will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

9. Pending miscellaneous application, if any, also stands disposed of.

**04.03.2025**  
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**(SANJIV BERRY)**  
**JUDGE**

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |