

2025.PHHC.006314



216.

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

CRA-S-2523-2024 (O&M)

Date of decision: 16.01.2025

Kamaljeet Kaur @ Peenu Kaur @ Peno Kaur Appellant

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Adarshdeep Singh, Advocate, for the appellant.

Mr. Amit Rana, Senior DAG, Punjab.

Mr. G.S. Sandhu, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-29231-2024

This is an application for condonation of delay of 46 days in filing the appeal.

For the reasons stated in the application, delay of 46 days in filing the appeal is condoned.

CRA-S-2523-2024

Present appeal has been filed against the order dated 05.03.2024 passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the bail application of the appellant-Kamaljeet Kaur @ Peenu Kaur @ Peno Kaur, filed under Section 439 Cr.P.C. for grant of

regular bail, in case FIR No.38, dated 10.05.2022, under Sections 302, 120-B of IPC and Section 3(2)(v) of SC & ST Act, Police Station Lakhewali, District Sri Muktsar Sahib, has been dismissed.

The appellant is seeking bail primarily on the grounds that the allegations levelled in the FIR (Annexure A-1) are based on hearsay and lack substantive evidence to support the allegations that the husband of the complainant was forcibly administered poison by the appellant and co-accused. It has been argued by the learned counsel that if the deceased had been poisoned, as alleged, there would have been signs of resistance or physical injuries on his body. However, the absence of such injuries and the findings in the post-mortem report strongly suggest that the deceased died due to a drug overdose. Further, the treating doctor, as per the learned counsel, opined that the cause of death was cardiac arrest resulting from drug overdose, and the chemical examiner's report, annexed as Annexure A-4, corroborates this by confirming the presence of morphine in the viscera.

Learned counsel for the appellant further submits that the appellant has been falsely implicated due to her relationship with the paramour of the deceased. It has been asserted that the family of the deceased, harbouring animosity, sought to implicate as many persons as possible from the family of the paramour.

Learned counsel for the appellant has further submitted that the appellant has been in custody since 20.09.2022, and despite the framing

of charges on 25.01.2023, only 01 out of 30 prosecution witnesses has been examined. It is argued that delays in the trial are attributable to the prosecution and jail authorities, as witnesses have not appeared regularly, adjournments have been sought by the prosecution, and the appellant has not been regularly produced before the trial Court.

Per contra, learned State counsel assisted by counsel for the complainant have opposed the prayer made by the counsel opposite and reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“Statement of Sukhjinder Singh son of Ranjit Singh son of Karam Singh Resident of Bhangchari aged about 45 years, Mob. No.98761-66344. Stated that I am resident of above said address and doing labour work. I have two children, elder is son Arashdeep Singh alias Arasha and younger is daughter Amandeep Kaur. My son Arashdeep Singh was residing with our co villager **Peenu Kaur** daughter of Rachhwinder Singh for the last 02 years and whenever we used to ask him to return home, he used to reply that he has solemnized marriage with Peenu Kaur and will reside with her and we also came to know that now Arashdeep Singh and Peenu Kaur were residing in some city in Rajasthan and was not on visiting terms with us. On 08.05.2022 Arashdeep Singh and Peenu Kaur above said had come from Rajasthan to village Bhangchari. On 09.05.2022 at 12.00 noon our co villager Swaranjeet Singh son of Karnail Singh told me that your son Arashdeep Singh has gone to the house of our co villager Gurcharan Singh alias Goga son of Mandar Singh, where Gurcharan Singh alias Goga son of Mandar Singh, Harjeet Kaur wife of Mandar Singh, Mandeep Singh son of Sukhdeep Singh alias Kala, Reenu Kaur daughter of Rachhwinder Singh and Pindi Singh son of unknown Residents of Bhangchari were present and they gave some poisonous substance to your son Arashdeep Singh at the house of Gurcharan Singh alias Goga son of Mandar Singh due to which his health deteriorated and there was froth coming out of his mouth and Peenu Kaur has taken your son Arashdeep Singh to her house with the help of other persons and I was told about this by our co villagers Ravi Singh and Swaranjeet

Singh above said. Then I arranged for a vehicle and got admitted my son Arshdeep Singh in Sandhu Hospital, Sri Muktsar Sahib where he died during treatment. The motive behind the occurrence is that Peenu Kaur is daughter of uncle of Mandeep Singh, due to which he was nursing grudge against my son and they have committed murder of my son after conspiring with each other by administering him some poisonous substance, due to which my son Arashdeep Singh had died. Legal action may please be taken against above said Gurcharan Singh alias Goga, Harjeet Kaur, Mandeep Singh, Peenu Kaur and Pindi Singh Sd/- Sukhjinder Singh in the presence of Sukhdev Singh son of Surjeet Singh Resident of Bhangchari, Attested by Sd/- Lovemeet Kaur SI, SHO. PS Lakhewali, dated 10.05.2022.”

However, the learned State counsel upon instructions, has not disputed the custody period of the appellant nor has he disputed that after the charges were framed nearly 02 years ago, only 01 prosecution witness has been examined. It has also not been disputed that the complainant, who is the wife of the deceased, was not present at the time of the alleged incident; the post-mortem report does not reflect any injury marks or evidence of resistance by the deceased; the chemical examiner’s report confirmed the presence of morphine in the viscera of the deceased and the doctor had opined that the cause of death of the deceased was cardiac arrest on account of drug overdose.

After hearing the parties and considering the submissions and material on record, this Court, without commenting on the merits of the case, deems it fit to admit the appellant to bail. The appellant has been in custody since 20.09.2022 and only 01 out of 30 prosecution witnesses has been examined to-date. The case is based on circumstantial evidence and there is no likelihood of the trial concluding in the near future.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant.

Accordingly, the instant appeal is allowed and the appellant be admitted to bail on her furnishing bail/surety bonds 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.

(MANJARI NEHRU KAUL)
JUDGE

January 16, 2025
sanjeev

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