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

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CRM-M-50737-2024 (O&M)
Date of decision: 29.05.2025

Sukhpreet Kaur @ Sukhi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Bachanpreet Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail in case bearing FIR No. 14 dated 25.03.2024, registered under Section 302 of IPC at Police Station Sehna, District Barnala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement of complainant Sarabjeet Kaur on 25.03.2024 alleging therein that her husband, namely Gurpreet Singh (victim), had indulged into extra marital affairs with one Sukhpreet Kaur (the present petitioner), who was the resident of the same village. She used to have conversation with the victim over phone and had also threatened her that she would make complainant's husband to divorce the complainant and thereafter, she would get married with him. Due to the relationship of the petitioner with the victim, a matrimonial discord had arisen between the complainant and the victim. He even used to live with the

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petitioner at Barnala. It is further alleged that on 20.03.2024, the victim came back from the petitioner's house. At around, 08:30 PM on the same day, he started vomiting. On the next day, when the complainant inquired about his health, he was not able to speak properly and was vomiting in the morning as well. The complainant tried to take him for treatment but he refused to do so. Then on 23.03.2024, at about 04:00 PM, his health started deteriorating and he was vomiting profusely. At that time, the victim disclosed to the complainant that on 20.03.2024, when he was at petitioner's house, she had given her some poisonous substance by mixing the same into alcohol as she was not happy with the victim going back to his home. The victim was firstly admitted in Adesh Hospital, Bucho Mandi, Bathinda and then was taken to Deep Hospital, Nihal Singh Wala but he died on 25.03.2024. The complainant alleged that the petitioner had killed her husband by administering him some poisonous substance by mixing the same into his alcohol. She prayed for taking legal action against the petitioner. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and post-mortem of the dead body of the victim was conducted. It was reported by the board of doctors that the cause of death of the victim would be given after the report of the chemical analysis from Kharar Lab. The petitioner was joined into investigation and was arrested on 26.03.2024.

3. During the course of investigation, on 31.03.2024, one Mandeep Singh produced his mobile phone before the Investigating Officer, which was containing some videos recorded by him immediately before the death of the victim, in which he was allegedly seen to be saying that he did not know what

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was provided to him by the petitioner and her sister in Sonia in his alcohol. The said videos were sent to forensic laboratory for examination. In the meantime, *challan* was presented in the Court against the petitioner on 19.06.2024. Thereafter, on receipt of the report from CFSL, wherein it was reported that no tampering was found in the videos contained in the phone of said Mandeep Singh, supplementary *challan* against the petitioner was presented on 30.01.2025. The petitioner had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 03.06.2024.

4. It is also worth mentioning that subsequently, the report of the Chemical Examiner was received, in which it was reported that *Paraquat* was found positive in the samples. On the basis of the said report, the board of doctors, on 21.05.2024, had opined that ***the cause of death in this case as per the opinion of the board is Paraquat poisoning.*** It was also opined by them that ***Paraquat is highly toxic herbicide chemical and death in paraquat usually occurs within 2-3 days, however, it also depends upon the quantity and hospital care.***

5. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She had no motive to administer any poisonous substance to the victim as she was living with him happily. There was no discord between them. On the contrary, it was the complainant with whom, the relations of the victim were strained. The victim had left her house on 20.03.2024 and his death has occurred 05 days thereafter. Till 23.03.2024, no

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doctor was contacted nor the factum of ill health of the victim had been brought to the notice of anybody else. The case is based on circumstantial evidence. The chain of circumstances pointing towards the guilt of the petitioner is not at all complete. No recovery had been effected from her. As per the post-mortem report, the time gap between administration of poison and death was less than 72 hours, whereas the version of the complainant was that the victim had been given poison on 20.03.2024. This amounts to fatal discrepancy in the version of the prosecution showing that the victim had not been administered any poisonous substance by the petitioner. He has left her company on 20.03.2024. The petitioner has two minor children and she is the only person to take care of them, being a single mother. The trial will take time. Her further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed. Learned counsel for the petitioner has relied upon the authorities cited as ***Irfan @ Naka vs. the State of Uttar Pradesh, 2023 INSC 758*** to submit that the Court must be satisfied that the deceased was in a fit state of mind to make any statement.

6. Status report has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab that the allegations against the petitioner are quite serious in nature. The victim had admittedly died due to administration of *Paraquat* poison. In clarification to the query put to the board of doctors, who had conducted the post-mortem examination, it was reported by the concerned doctors that the time gap between the injury and death was more than 72 hours and time gap between death and post-mortem examination was more than 24 hours and they had rectified the error made in

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the post-mortem report. As such, there is no discrepancy in the prosecution version with regard to administration of poisonous substance and the date of death of the victim. The trial is going on at a proper pace. The victim had made a dying declaration saying that poisonous substance had been administered to him by the petitioner. Video recording of the same had been obtained and report of FSL as to the authenticity thereof has also been received. Hence, it is urged that the petition is liable to be dismissed.

7. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

8. The petitioner is alleged to have administered poisonous substance to the victim with whom, she was having illicit relationship. The victim had died due to consumption/administration of the poisonous substance on 25.03.2025. Witness Mandeep Singh has given a video recording, wherein the victim is shown to be making a statement that he was given poisonous substance by the petitioner. It is only after thorough evaluation and assessment of the evidence to be produced during trial that the authenticity of the said video is to be established and the effect thereof is to be considered. The material witnesses are yet to be examined. However, there is nothing on record that there would be any undue delay in conclusion of trial. The authority cited by learned counsel for the petitioner is with regard to authenticity of the dying declaration and as mentioned above, the same cannot be assessed at this stage. Keeping in view the gravity of offence alleged to have been committed by the petitioner, the severity of punishment in the eventuality of her conviction and the attendant facts and circumstances, this

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Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>