

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

**Date of decision: 07.08.2015**

1) **CRM-M No. 11238 of 2015 (O&M)**  
Karamjit Kaur ..... Petitioner.  
Versus  
State of Punjab ..... Respondent.

2) **CRM-M No. 19136 of 2015 (O&M)**  
Pritpal Singh ..... Petitioner.  
Versus  
State of Punjab ..... Respondent.

**CORAM: HON'BLE MS. JUSTICE NAVITA SINGH**

Present:- Mr. A.S. Dhaliwal, Advocate, for the petitioners.  
Mr. K.S. Pannu, DAG, Punjab, for the respondent.

**NAVITA SINGH, J. (ORAL)**

These petitions have been moved by the petitioners under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 20 dated 06.02.2015, under Sections 223, 224 and 225 of the Indian Penal Code of Police Station City Moga, District Moga.

Admittedly, the petitioners have joined investigation.

The case against the petitioners was that accused Nirmal Singh, who was accused in FIR No. 79 of 21.06.2012 of Police Station Kot Kapura along with petitioner – Karamjit Kaur and one Buta Singh, had fled from the police custody. He was not produced in Court on 06.02.2015 in that case and constables Narender Kumar and Jagtar Singh deputed for

producing Nirmal Singh before the Court of Judicial Magistrate 1<sup>st</sup> Class, Faridkot, from Central Jail, Hoshiarpur, were present in Court and informed that Nirmal Singh had escaped from custody in the area of Moga. At the time when the said police officials informed the Court about escape of Nirmal Singh, petitioner – Karamjit Kaur was present in Court being one of the accused.

It is submitted by counsel for the petitioners that if the police officials, who had seen the woman who was in the car in which Nirmal Singh was taken away and if they knew that she was Karamjit Kaur, then they should have identified her in Court then and there. Also, it was not possible for her to be present in Court in FIR No. 79 of 2012 of Police Station Kot Kapura and also to be present at the place from where Nirmal Singh had allegedly fled.

Regarding petitioner – Pritpal Singh, it is submitted that he is the nephew of Karamjit Kaur and the police wanted to make out a case regarding the presence of Karamjit Kaur at the place from where Nirmal Singh escaped and the vehicle shown to be used was of Karamjit Kaur and her nephew was falsely implicated as the driver of that vehicle.

Since from the presence of the police officials and Karamjit Kaur in Court at the same time before the Judicial Magistrate 1<sup>st</sup> Class, Faridkot, the story of the police becomes prima facie incredible, therefore, it is felt that if the relief of anticipatory bail is granted to petitioner – Karamjit Kaur, the same should not be denied to petitioner – Pritpal Singh.

In view of the above, the interim relief granted to the

petitioners on 08.04.2015 and 05.06.2015 respectively is made absolute.

Nothing given above should be taken as an expression on the merits of the case.

Both the petitions stand disposed of accordingly.

A copy of the order be placed on the file of connected case.

**(NAVITA SINGH)**  
**JUDGE**

07.08.2015  
Ramesh