

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

(211)

CRM-M-26409-2016

Decided on: August 27, 2016.

Paramjeet Kaur

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Paras Talwar, Advocate, for the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. H.S. Randhawa, Advocate, for
Mr. P.S. Ahluwalia, Advocate, for the complainant.

Mr. Sangram Singh, Advocate, for
Mr. Sumeet Goel, Advocate, for respondent No.2-CBI.

M.M.S. BEDI, J (ORAL)

This is second application for grant of regular bail filed by Paramjeet Kaur. She has been in custody w.e.f. 24.02.2013 in FIR No.39 dated 23.02.2013, under Section 302/34 IPC registered at the instance of Amarjit Singh Sodhi alleging that on 22.02.2013 when the complainant along with his brother Tejinder Singh had gone to meet Parampreet Kaur at her matrimonial home, she had insisted to return back with him as she had an apprehension that she would be killed by her husband and in-laws as they were forcing her to give divorce to Harpreet Singh but the complainant insisted that she should stay back in the matrimonial home. On 23.02.2013, the complainant received a message from the matrimonial house of his daughter that she was not well. When the complainant reached there, he found Parampreet Kaur lying dead on the bed. He took her to hospital. The

complainant was threatened by Harpreet Singh not to get any case registered. On account of ligature marks on the neck of Parmpreet Kaur, a murder case was registered against the son of the petitioner.

It is pertinent to mention here that during pendency of the investigation by the Punjab Police, the complainant was not satisfied with the investigation. He filed a CRM-M-8533 of 2013 for a direction to entrust the investigation to CBI which was allowed vide judgment dated 16.05.2014. The operative part of the order passed in the said judgment is as follows:

“In the present case, which otherwise would have been another unfortunate death case of a young woman who died in her matrimonial home, with her family thereafter running for justice, however, in view of the fact that the Mayor of Patiala was named in the FIR and despite that, was not even attempted to be joined in investigation by the police till the matter had been before this Court for some months and, in fact, obviously it was due to his official position and political influence that the investigating team played down his relations with his co-accused, coupled with all the other above given continuing circumstances, in my opinion, it is a case which needs to be referred to an investigating agency which is independent of any local political influence in the State. This would need to be done, other than for the reason of doing justice to the family of the deceased person, also to instill confidence in the eyes and minds of the public and the common man, that no matter what position is held by an accused, the allegations cannot be brushed aside in such a case, without a genuine and independent investigation having been conducted, without fear, favour, bias or political influence.

44. Thus, even though the CBI has neither opposed the transfer

of the investigation nor has specifically stated that it would be willing to take it on, and all Courts are fully aware of the burden already upon the CBI in investigating multifarious crimes that are committed, however, even so, this case, in my opinion is one which needs to be handed over to the agency simply to instill a sense of confidence in the criminal justice delivery system. This of course, because of specific circumstances of this case, wherein a local politician who was occupying an extremely responsible and an influential position in the area is named as an accused.

45. Hence, all further investigation in FIR No.39, registered at Police Station Kotwali, Patiala, on 23.02.2013, in respect of the alleged commission of an offence under Sections 302 / 34 of the IPC, is directed to be handed over to the Central Bureau Investigation forthwith.

Consequently, further proceedings before the trial Court, in pursuance of the report submitted to it under Section 173 Cr.P.C., shall remain stayed till the investigation to be conducted by the Central Bureau of Investigation reaches its conclusion, one way or the other.”

The petitioner had moved an application for bail thereafter which application was dismissed as withdrawn by this Court on 30.09.2015 as the matter was under investigation with CBI.

When the second application for regular bail of the petitioner has been taken up for hearing, it has been informed by the counsel for CBI, on the instructions of DSP Neelam Singh that on the basis of investigation of CBI, the petitioner has been found to be not involved in murder of deceased Parampreet Kaur.

It has also been informed that an application under Section 169

Cr.P.C for discharge of the petitioner, has been filed.

Learned counsel for the complainant has intervened to oppose application for bail contending that the report prepared by the State investigating agency involving the petitioner as an accused can always be looked into to frame the charges against the petitioner as per the judgment in *Vinay Tyagi Vs. Irshad Ali, 2013 (5) SCC 762*. He has vehemently urged that it is the case of the complainant that Parampreet Kaur had not only been poisoned but was also strangled.

I have considered the contentions of learned counsel for the complainant and heard learned counsel for the State and gone through the report under Section 173 Cr.P.C prepared by the Punjab Police.

Statement of complainant Amarjit Singh Sodhi and Tejinder Singh have been recorded regarding the involvement of the petitioner along with her son in the act of murder of Parampreet Kaur.

I have taken into consideration both the reports and I am of the opinion that it was at the instance of the complainant that the investigation had been entrusted to CBI. The CBI on the basis of the investigation conducted, has arrived at a conclusion favourable to the petitioner who is mother-in-law of the deceased.

The motive attributed in the present case is that the petitioner along with other accused had been forcing the deceased and harassing her to give divorce to her son Harpreet Singh for the last 4-5 years.

Be that as it may, the circumstance which exist today, is that a dual version on the basis of investigation conducted by two agencies, has cropped up. The trial Court in its wisdom on the basis of investigation conducted by the State agency, has framed the charges. On account of an

application under Section 169 Cr.P.C having already been filed by CBI, the petitioner cannot be charged at present.

Without expression of any opinion on merits of the case, taking into consideration the period of detention suffered by the petitioner, who is a lady, with effect from 24.02.2013, she can be granted the concession of bail.

Learned counsel for the complainant has submitted that the family of the petitioner being an influential family, the complainant, his brother and other family members are being involved in criminal cases to pressurize the complainant not to pursue the case against the petitioner and Harpreet Singh etc. Since that aspect is not to be considered in the present bail application, leaving the complainant to avail any legal remedy available to him in accordance with law and without expression of any opinion on merits of the case, the petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing said in this order will prejudice the right of the complainant/prosecution agency or the petitioner during course of trial.

(M.M.S. BEDI)
JUDGE

August 27, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No