

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-1545 of 2019(O&M)
Date of decision : March 12, 2019

Paramjit Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. G.S.Sirphikhi, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against the accused-petitioner Paramjit Kaur in this first anticipatory bail application under Section 438 Cr.P.C. are as follows:-

The present case was got registered by the complainant an unmarried lady aged around 23/24 years alleging that principal accused non-applicant Harjit Singh who happens to be the son of the present petitioner Paramjit Kaur had on the false pretext of marriage developed physical relations with her in which boy's family and close relatives have connived. It is further alleged that after getting engaged boy had left for foreign country and refused to marry her leading to the registration of the

present case.

Learned counsel for the petitioner inter-alia contends that on bare perusal of the FIR no specific allegations have come about against the petitioner who happens to be the mother of principal accused Harjit Singh. The only allegations are that the principal accused used to take her to different places including his own house where she was defiled by him in the presence of his family members including the petitioner arguing that neither any specific role is attributed to the petitioner nor the petitioner can be stated to be active participant in the commission of the offence.

Mr. Avtar Singh Sandhu, Addl. AG Punjab on instructions from ASI Rupinder Singh, PS Sadar Gurdaspur have sought to oppose the bail on the grounds of seriousness of the offence and the fact that the principal accused had cheated the lady and on false pretext of marriage has defiled her and thus, the petitioner who happens to be mother of the boy Harjit Singh is not entitled to anticipatory bail.

Going through the submissions, to the specific query of the Court, learned State counsel could not pin-point any incriminating evidence against the petitioner for having participated in the commission of the offence. Admittedly, she happens to be mother of the accused who has defiled her. A debatable issue arises over the allegations of the prosecution qua her. Nothing is to be recovered from the petitioner and it would be traversity of justice to send the petitioner behind the bars.

In view of the aforesaid, the present petition is allowed. In the

event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

March 12, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No