

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

**CRM-M No.1169 of 2020
DATE OF DECISION:14.01.2020**

Kulwinder Kaur and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Dinesh Nagar, Advocate
for the petitioners.

LALIT BATRA, J. (Oral)

Present petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioners in case F.I.R. No.171 dated 26.12.2019 under Sections 120-B, 406, 420, 465, 468 and 471 IPC registered at Police Station Rahon, District SBS Nagar.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him.

Learned counsel for the petitioners *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that as a matter of fact, Happy, son of petitioners, was drug addict and in view of his indulgence in narcotics, he was disowned by the petitioners. He further urges that Happy had solemnized marriage with Rajwant Kaur and that too without intimation to petitioners. He further urges that application for issuance of death certificate of Happy was initiated by his wife Rajwant

Kaur, whereas petitioners had no nexus whatsoever with the preparation of said certificate. He further urges that there is delay in lodging the FIR and that too without any explanation. He further urges that petitioners are ready to join investigation as and when required and, thus, they may be released on pre-arrest bail.

On the other hand, learned State counsel while opposing instant petition has vehemently urged that Happy, son of petitioners, is facing trial under the provisions of NDPS Act and it was wrongly reported to the Court that said Happy had expired due to heart attack. He further urges that in view of above, death report of Happy was called at the instance of Court, wherein a fake death certificate of Happy was furnished by his parents (petitioners herein) and his wife Rajwant Kaur and while acting upon said death report, Court had ordered for abatement of criminal proceedings against Happy. He further urged that later on in view of anonymous complaint received by Police Authorities, factum of Happy being alive came to limelight and as such illegal activities of petitioners do not entitle them for grant of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Without commenting anything on the merits of the case, allegedly petitioners being parents and Rajwant Kaur, being wife of Happy, got manipulated the death certificate of their son/husband Happy so as to get rid Happy of criminal proceedings initiated against him under

the provisions of NDPS Act. Learned State counsel has pointed out that both petitioners being parents of Happy had approached Balwant Singh, Ex-Sarpanch of village Sakohpur, for getting documents attested regarding death of their son Happy stating that said Happy had died due to heart attack and on the basis of said documents, application was moved in the office of Local Registrar, Births and Deaths, SBS Nagar stating that Happy had expired on 01.07.2018 due to heart attack and then after getting the form attested by Gurmel Ram, M.C. Rahon, death certificate dated 24.07.2018 pertaining to death of Happy son of Harmesh Lal (petitioner herein) was got issued. He further urges that allegations against the petitioners are quite serious and tantamount to circumvent the justice delivery system.

In view of above allegations, in case concession of pre-arrest bail is extended to petitioners, it would lead to lawlessness in the society. Keeping in view totality of entire scenario, no extra-ordinary ground has been made out in favour of petitioners for their entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioners is dismissed.

(LALIT BATRA)
JUDGE

14.01.2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No