

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4067 of 2020
DATE OF DECISION:19.02.2020

Rajwant Kaur

...Petitioner

V.S.

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

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

Mr. Harbir Sandhu, AAG, Punjab.

LALIT BATRA, J. (Oral)

Present petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioner 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.

Reply by way of affidavit of Harneel Singh PPS, Deputy Superintendent of Police, Sub Division Nawanshahr on behalf of respondent No.1-State has been filed in Court, which is taken on record and the copy of above said reply has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner *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 though petitioner has no nexus whatsoever with the alleged offence, even then she is ready to join investigation as and when required by the

Investigating Agency and, thus, she may be released on pre-arrest bail.

On the other hand, learned State counsel while opposing instant petition has vehemently urged that Happy, husband of petitioner, is facing trial under the provisions of NDPS Act and it was wrongly reported to the trial 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 trial Court, wherein a fake death certificate of Happy was furnished by his parents (co-accused) and his wife Rajwant Kaur (petitioner herein) and while acting upon said death report, Court had ordered for abatement of criminal proceedings against Happy. He further urged that lateron in view of anonymous complaint received by Police Authorities, factum of Happy being alive came into the limelight and as such illegal activities of petitioner do not entitle her 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 petitioner being wife of Happy alongwith her parents-in-law (co-accused), got manipulated the death certificate of her husband so as to get rid Happy of criminal proceedings initiated against him under the provisions of NDPS Act. Learned State counsel has emphatically pointed out that petitioner along with co-accused namely Harmesh Lal and Kulwinder Kaur (parents-in-law) had approached Balwant Singh, Ex-

Sarpanch of village Sakohpur, for getting documents attested regarding death of her husband 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 from Gurmel Ram, official of Municipal Committee, Rahon, fake death certificate dated 24.07.2018 pertaining to death of Happy son of Harmesh Lal was got issued. He further urges that thereafter said fake death certificate was presented before the trial Court seeking closure of proceedings against Happy, which certificate was acted upon. He further urges that allegations against the petitioner 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 the petitioner, 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 petitioner for her entitlement of pre-arrest bail.

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

(LALIT BATRA)
JUDGE

19.02.2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No