

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7641-2020

Date of Decision: 20.02.2020

Paramjit Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.226 dated 26.08.2017 under Sections 302/34 IPC, 1860, registered at Police Station Talwandi Sabo, District Bathinda. She apprehended her arrest at the hands of Police in the above said FIR.

The above FIR was registered on the basis of statement given by Jagga Singh s/o late Jarmal Singh, wherein it was alleged that his widowed mother Parkash Kaur remarried with Labh Singh as his wife, namely, Pal Kaur had expired. Harjinder Singh @ Kala s/o Labh Singh (from his earlier marriage) was residing with complainant's mother, namely, Parkash Kaur (deceased) along with his wife Paramjit Kaur. Since Harjinder Singh @ Kala was addicted to intoxication, Labh Singh disowned him. However, a year before, Harjinder Singh @ Kala and Paramjit Kaur rejoined the company of Parkash Kaur. Complainant along with his wife Sarabjit Kaur used to meet Parkash Kaur, who told that Harjinder Singh @ Kala, his wife Paramjit Kaur and brother-in-law Gandhi Singh were

quarrelling and demanding land from her. On 26.08.2017, the complainant came to know that his mother has been murdered and the complainant along with his wife Sarabjit Kaur reached there. Complainant suspected that his mother was murdered by Paramjit Kaur, Harjinder Singh @ Kala and Gandhi Singh.

Learned counsel for the petitioner contends that though the husband of the petitioner, namely, Harjinder Singh @ Kala was granted the concession of regular bail under Section 167(2) Cr.P.C., however, the petitioner was not arrested as she had given a representation to the SSP, whereupon a SIT was constituted and investigation was being conducted. He submits that Labh Singh has also filed a petition before this Court seeking direction for fair and impartial investigation in the FIR and the same was finally disposed off as infructuous vide order dated 16.01.2020 as the investigation was complete and the challan against Harjinder Singh @ Kala was filed, whereas, the other co-accused, namely, Gandhi Singh was found innocent and the petitioner was declared a proclaimed offender.

During the course of hearing, it is not disputed by learned counsel for the petitioner that no pre-arrest bail application was filed by the petitioner when the case was registered and she applied for bail only on 28.01.2020 i.e. after more than 2 years of the registration of the case. Learned counsel for the petitioner has further contended that the petitioner was indicted falsely as there is no evidence against her and, therefore, she deserves the concession of anticipatory bail.

After hearing the arguments, this Court does not find any reason to extend the extra ordinary concession of pre-arrest bail to the petitioner, who was named in the FIR and enough evidence has been

collected against her husband, who was also named as co-accused in the FIR.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition fails and is dismissed.

20.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No