

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

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CRM-M-35467-2020 (O&M)

Date of decision : 02.12.2020

Parminder Kaur @ Satnam Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-28868-2020

For the reasons mentioned in the application, the same is allowed and copies of order dated 12.08.2004 passed by this Court whereby the petitioner was granted bail, marriage certificate of the petitioner and pension payment order of her husband are taken on record as Annexures P-15 to P-17.

CRM-M-35467-2020

The petitioner has filed present (second) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.155 dated 15.06.2004 registered under Sections 420, 465, 467 and 468 of the Indian Penal Code, 1860 at Police Station Division No.4, Jalandhar to which Section 467 was deleted lateron.

The abovesaid FIR was registered on complaint dated 15.06.2004 made by the Passport Officer, Jalandhar to the Senior Superintendent of Police, Jalandhar. In the complaint the Passport Officer alleged that on 15.06.2004 he noticed the petitioner, against whom FIR No.20 dated 19.01.2004 was registered on allegations of fraudulently applying for and obtaining passport in the name of Satnam Kaur, standing at the counter with Jaspal Singh. On being confronted the petitioner told him that she was merely accompanying Jaspal Singh. Jaspal Singh was found carrying a file in his hand containing passport application form duly filled in name of Jaswinder Kaur on which photographs of the petitioner were affixed. Ration Card and duplicate School Certificate were also attached with the file. The petitioner was trying to obtain another passport on fictitious name of Jaswinder Kaur by attaching false and fraudulent documents. The petitioner was arrested in the case. However, the petitioner was granted regular bail by this Court vide order dated 12.08.2004. During trial the petitioner absented and was declared proclaimed offender vide order dated 13.01.2009.

The petitioner who is in custody since her surrender in the Court on 05.10.2020 has filed the present petition for grant of regular bail.

Petition has been opposed by learned State Counsel. However, respondent-State has not filed any reply.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the

petitioner got married to Surinder Singh Chauhan and one daughter and one son were born out of the wedlock. The husband of the petitioner got her name changed as Satnam Kaur and she got her passport issued by using her name as given by her in-laws. The change of her name was also recorded in the divorce petition filed by her previous husband and judgment passed on the same. The petitioner did not commit any fraud but FIR No.20 dated 19.01.2004 was registered against the petitioner on complaint made by her previous husband to the Passport Authorities. Present FIR was also got registered against her on complaint by close friend of her previous husband. The petitioner got re-married in the month of October, 2014 and settled in her new matrimonial home in Mohali. On coming to know about the case her second husband, who is an ex-army officer, verified the status of the case and on his asking the petitioner after taking legal advice approached this Hon'ble Court. The petitioner is a woman aged 55 years and patient of depression, stress and high blood pressure. Due to her being busy in attending to her duties as a mother as well as a wife the petitioner, being unaware of the legal consequences that would follow, could not appear before the Court below. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by her detention in custody. The petitioner will not abscond and will abide by the terms and conditions to be imposed regarding her appearance before the Court. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand learned State Counsel has argued that the petitioner has misused the concession of bail and is likely to

abscond in the eventuality of release on bail. In view of the nature of accusation and misuse of concession of bail by the petitioner, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

The petitioner absented during trial and was declared proclaimed offender on 13.01.2009. The petitioner filed CRM-M-31315-2011 challenging order dated 13.01.2009 which was disposed of with direction to surrender within 15 days. However, the petitioner did not surrender within the above-said period. The petitioner again filed CRM-M-28651-2013 which was dismissed as withdrawn vide order dated 09.09.2013. Thereafter, the petitioner filed CRM-M-27944-2020 which was dismissed vide order dated 28.09.2020 with direction to surrender before the trial Court within 7 days and in compliance therewith, the petitioner surrendered on 05.10.2020. The petitioner has not explained long absence of more than 11 years since 13.01.2009 when the petitioner was declared proclaimed offender.

Keeping in view the facts and circumstances of the case, misuse of bail by the petitioner and likelihood of the petitioner absconding again and also the fact that the trial can be expedited on easing out of the restrictions imposed to prevent spread of infection of Covid-19, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above discussion, the petition is dismissed. However, the trial Court is directed to expedite the trial and conclude the same expeditiously preferably within 4 months from receipt of a copy of this order.

A copy of this order be sent to the District and Sessions Judge, Jalandhar for onward transmission to the Court concerned for ensuring requisite compliance of this order.

02.12.2020

Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

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