

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

**CRM-M-3647-2021
Date of Decision : 27.01.2021**

Paramjit Kaur @ Pammi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh K. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.44 dated 15.04.2020 under Sections 304, 120-B and 34 of IPC registered at Police Station Lambran, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Jaswant Kaur, it is stated that she is married to accused Taranjit Singh and two children were born out of the said wedlock. It is further stated that the complainant is living in a joint family, along with her parents-in-law, Jaswinder Kaur, sister-in-law (Jethani) and other family members. Co-accused Jaswinder Kaur is having illicit relations with her husband, namely, Taranjit Singh and, later on, he also developed illicit relations with another lady Paramjit Kaur @ Pammo, petitioner herein. When this was resisted by the complainant, Jaswinder Kaur told her that she is not going to leave her husband and in that process, some Panchayats were also held.

With regard to an incident of 14.4.2020, again on 15.4.2020, father of the complainant namely Nirmal Singh (deceased), mother, brother and uncle came to her matrimonial home to convene a Panchayat. When the member of Panchayat tried to convince Taranjit Singh not to have illicit relations with other ladies, Taranjit Singh had shown his adamancy to live with co-accused Jaswinder Kaur and with some other ladies. In the meantime, Raghubit Singh came and caught hold of Nirmal Singh and Taranjit Singh started giving fist blows on his chest and forehead, due to which, Nirmal Singh fell down and, later on, died.

Learned counsel for the petitioner submits that the only allegation against the petitioner in the FIR is that Taranjit Singh was having illicit relation with the petitioner and there is no allegation that the petitioner was present at the place of occurrence.

Learned counsel for the petitioner further submits that the petitioner is a married woman aged about 43 years and has two grownup children of the age of about 22 years and 17 years and has no connection with the husband of the complainant. She has been falsely implicated in this case as the brother of the petitioner, namely Amardeep Singh, is friend of Taranjit Singh-husband of the complainant and he was supporting him.

Learned counsel for the petitioner further submits that the case of the petitioner is distinguishable from that of Jaswinder Kaur, whose anticipatory bail application stands dismissed, vide order dated 25.01.2021 passed in CRM-M-3329-2021 as there was direct allegation against Jaswinder Kaur, who is real sister-in-law (jethani) of the complainant, was having illicit relation with the husband of the petitioner.

Learned counsel for the petitioner further submits that as per the allegation in the FIR, Jaswinder Kaur and complainant-Jaswant Kaur was

residing in the same house and it is specifically stated that the husband of the complainant, Taranjit Singh, was having illicit relation with her sister-in-law i.e. Jaswinder Kaur, whereas, the petitioner is the resident of a different village.

Learned State counsel could not dispute the factual position. It is also not disputed that petitioner was not present at the time when the Panchayat had taken place, however, it is submitted that there is allegation against the petitioner that she was also having illicit relation with Taranjit Singh like Jaswinder Kaur.

After hearing counsel for the parties and considering the fact that petitioner does not belong to the family of the complainant and is residing in a different village and except a one line allegation that she is having illicit relation with Taranjit Singh, there is no other allegation in the FIR, I find it an appropriate case to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing her a written notice in this regard.

27.01.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No