

203

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

CRM-M No. 23781 of 2020
Date of Decision: 25.01.2021

Nachhatar Kaur

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navraj Singh, Advocate, for
Mr. Dilraj Singh Bhinder, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Nikhil K. Vashisth, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No.0136 dated
16.07.2020 under Section 306 IPC (Offence under Section 3 of
Scheduled Caste & Scheduled Tribes (Prevention of Atrocities)
Act added later on) registered at Police Station Nakodar Sadar,
District Jalandhar Rural.

Vide order dated 21.08.2020, petitioner was directed
to join the investigation within a period of one week and in the

event of her arrest, she was directed to be released on interim bail to the satisfaction of Arresting/Investigating Officer.

Learned counsel for the petitioner with reference to certificate dated 01.08.2006 submits that the petitioner herself belongs to ad-dharimi caste which is a Scheduled Caste under the Constitution (Scheduled Caste) Order 1950. The said document is attached as ANNEXURE P-3 with the petition.

Petitioner is elected Sarpanch of Gram Panchayat and has no criminal antecedent. The petitioner was elected as Sarpanch in 2018. One Sarabjit Kaur wife of Rakesh Kumar submitted a complaint against Rajni @ Rajji (since deceased) wife of Nikka Ram on 30.06.2020. On the aforesaid complaint, the Gram Panchayat summoned both the parties for amicable resolution of the dispute.

During meeting, Rajni became aggressive and caught hold of co-accused Sarabjit Kaur by hair in the presence of members of the Gram Panchayat and other residents of the village. Co-accused Karamjit Singh came forward to separate complainant and the deceased Rajni. The deceased slapped said Karamjit Singh due to which his turban got removed and he fell down. Thereafter, Rajni while throwing slippers towards office bearers left the spot and she also hurled abuses against all the office bearers of the Gram Panchayat.

After 02 days of the said occurrence, the Gram Panchayat unanimously passed a resolution on 03.07.2020 in respect of aforesaid occurrence dated 01.07.2020 and recommended appropriate action to be taken against Rajni for insulting the office bearers of the Gram Panchayat and also bringing the Gram Panchayat into disrepute. The resolution was forwarded to Block Development and Panchayat Officer, Block Nakodar for taking appropriate action in the matter. The resolution was signed by all the office bearers of the Gram Panchayat including the petitioner. The deceased in order to save her skin also filed a complaint before Senior Superintendent of Police, Jalandhar (Rural) which was marked for inquiry to the concerned police post.

During inquiry, both the parties were summoned by Incharge, Police Post on 14.07.2020. The parties could not arrive at any amicable settlement and the police again summoned them for 16.07.2020, but the deceased Rajni committed suicide in the morning of 16.07.2020.

Learned State counsel on instructions from SI Rajender Singh submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

In view of above, order dated 21.08.2020 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when called upon to do so by the Investigating Officer.

25.01.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |