

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

Sr. No.216

CRM-M-35489-2020

Date of decision: 10.02.2021

Parminder Kaur @ Satnam Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S. Madaan, Advocate, for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.20 dated 19.01.2004 registered under Sections 406, 420, 465, 467, 468 and 471 IPC (Section 467 IPC deleted later on) at Police Station Division No.4, Jalandhar.

In the year 2004 a FIR was registered against the petitioner for having made an application for her passport under a false name. Apprehending arrest, the petitioner sought and got anticipatory bail from this Court but thereafter due to marital discord between herself and her husband since another FIR was registered by her husband against her, she absconded and in the year 2010, she was declared a proclaimed offender.

In the year 2020, the petitioner challenged the order through which she was declared a proclaimed offender by filing a petition before this Court being CRM-M-27944-2020 which was dismissed. However, this Court granted liberty to the petitioner to surrender before the Trial Court within 07 days and in case she did so, the Trial Court was directed to consider her plea for bail sympathetically but in accordance with law. As per liberty granted by this Court, the petitioner surrendered before the Trial Court and ever since has been in custody.

Learned counsel for the petitioner seeks regular bail to the petitioner on the ground that the petitioner is a 55 years old lady, who has suffered enough for having fled from justice. On merits, it is submitted that

no fraud or forgery was committed by the petitioner since as per prevailing custom, her husband had changed her name after marriage from Parminder Kaur to Satnam Kaur and she had filed the application for her passport under her changed name; the complaint, which forms the basis of the present FIR against the petitioner was most likely made by the petitioner's husband who knew about the afore fact as they were having marital discord; the litigation between the petitioner and her husband started in the year 2004 itself leading to the grant of divorce between them in the year 2007 and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that she had earlier absconded.

Whether the petitioner was falsely embroiled in the present case at the behest of her former husband with whom at the time of lodging of the present FIR she had a marital discord as also the petitioner's afore-referred defence would be debated during the course of her trial. However, the petitioner who is a 55 years old lady, has already been in custody for the last about 05 months and that her trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

February 10, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No