

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

229

CRM-M-49139-2021

Date of Decision : November 29, 2021

PARWINDER KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Paramjit Batta, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.14 dated 25.10.2021 under Sections 420, 465, 467, 468, 471 and 120-B IPC, Police Station Vigilance Bureau Phase-I, SAS Nagar, Mohali.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case as the petitioner had no role to play. He submitted that as per the allegations, a false certificate was issued by the petitioner and, therefore, the petitioner has been involved in the present case. He further submitted that the Sarpanch of the village, namely, Shyam Lal, who was interested to get the certificate of one Beero issued had informed the petitioner, who was working as ANM and In-charge of issuing of certificates that the

aforesaid Beero had died on 25.2.2012 and the applicant, namely, Ram Lal would come to her alongwith the application and the same was also endorsed by the seal of the Lambardar, namely, Amar Chand and, therefore, the requisite certificate be issued. Learned counsel further referred to the application of the aforesaid Ram Lal (Annexure P-2) and also the receipt on which the seal of the Lambardar has been affixed. He further submitted that the petitioner had acted in discharge of her duty on the basis of the information received from both the Lambardar as well as from the Sarpanch with regard to the death of aforesaid Beero on 25.2.2012 and consequently entered into the book of Chokidar (Annexure P-3) in accordance with the guidelines issued by the State and the requisite documents were also taken from the applicant and the same were thereafter sent to the Department of Health for keeping in record. He submitted that the aforesaid certificate was issued on 26.2.2012 and after about 3 months, she came to know that the aforesaid Beero had not died in the year 2012 but had died in the year 2008 and, therefore, she immediately informed the District Superintendent of Police, Mohali vide Annexure P-5 dated 22.5.2012 by which she informed the police that she had issued the certificate on the basis of the information received from the aforesaid Shyam Lal but now from the information collected from the respectables of the village it was found that the aforesaid Beero had not died in the year 2012 but earlier to the year 2008 and, therefore, had requested the Superintendent of Police that the certificate be considered as a discarded certificate and, therefore, the petitioner had actually exercised her duty in a bonafide manner and immediately on coming to

know with regard to the date of death of Beero, she had immediately informed the Superintendent of Police in this regard. However, at the time of registering of present FIR which was lodged on 25.10.2021, the petitioner has been nominated in the present case. He further submitted that the petitioner is in custody since 25.10.2021 which is more than one month and the petitioner has clean antecedents and she is not involved in any other case and she is 35 years old. He submitted that the entire case is based upon documentary evidence and the entire record is with the police and it is not the case that the petitioner is a habitual offender but she has clean antecedents and in the present case the certificate was issued only on the basis of information received from the most responsible persons of the village i.e. Sarpanch as well as Lambardar. He has, therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, the learned Deputy Advocate General, Punjab has filed the custody certificate of the petitioner which is taken on record. As per the custody certificate, the petitioner has undergone more than one month and she is not involved in any other case. He has submitted that the petitioner had issued certificate with regard to the death of one Beero in the year 2012 whereas she had died some time in the year 2008 and, therefore, she was also involved in the conspiracy.

I have heard the learned counsels for the parties.

The petitioner who is a lady of 35 years of age was working as ANM and was In-charge for issuing the death certificates. As per the argument raised by the learned counsel for the petitioner she had acted in discharge of her duty in a bonafide manner on the basis of information

received from the most responsible persons of the village, who were the Sarpanch and the Lambardar. Learned counsel for the petitioner had also submitted that the petitioner was not even aware as to whether the Sapranch was the beneficiary party for getting the certificate issued but so far as the petitioner is concerned, she had acted in a bonafide manner in discharge of her duty. The petitioner is admittedly not involved in any other case and the entire case rests upon the documentary evidence and the entire record is already with the police. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

November 29, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No