

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRA-S-1707-2024 (O&M)
Date of Decision: 06.11.2024

PARAMJIT KAUR

...Appellant

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

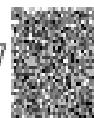
CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Srishti Shukla, Advocate and
Mr. Kulwinder Singh, Advocate
for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN , J.

1. The present appeal has been filed by the appellant assailing the order dated 10.04.2024 passed by the learned Additional Sessions Judge, Patiala, whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Code') for grant of anticipatory bail to the appellant in FIR No. 269 dated 24.12.2023, under Sections 341, 354-A (2), 354-D and 500 of the IPC and Section 3 (i) and 3 (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989'), registered at Police Station Sadar Nabha, District Patiala, has been dismissed.
2. Mr. K.S. Hissowal, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record.
3. On 02.05.2024, this Court passed the following order and directed the appellant to join the investigation:



2. Learned counsel for the appellant inter alia contends that the present FIR has been registered at the instance of the father of the prosecutrix after the appellant and her husband executed a joint affidavit dated, 21.08.2023, disowning their son, Gurdev Singh, and this fact came to the notice of the daughter of the complainant which is reflected in the inter se chat between the son of the appellant and the daughter of the complainant who were students of the same college and used to talk to each other. However, there are no allegations attracting the offence under Section 3 (i) and 3 (ii) of the Act of 1989. A copy of the aforesaid affidavit dated, 21.08.2023, and copies of the aforesaid chatting inter se between the son of the appellant and the daughter of the complainant have been supplied by learned counsel for the appellant in Court today. The same are taken on record.

3. Reliance has been placed upon the latest judgments of Hon'ble the Supreme Court in Prathvi Raj Chauhan Vs. Union of India and others reported as 2020(4) SCC 727, and Hitesh Verma vs. State of Uttarakhand reported as 2020 (4) RCR (Criminal) 868, to contend that in such like situation, the bar under Sections 18 and 18-A of the Act of 1989 would not apply.

4. Reliance has also been placed upon the judgment of Coordinate Bench of this Court in CRM-M-30576-M-2002 decided on 01.08.2002 titled as "Jagir Chand vs. State of Punjab" as well as in CRM-M-3956-2020 decided on 27.02.2020 titled as "Baljinder Kaur vs. State of Punjab" to contend that if the ingredients of the provisions of the Act are not met with, then the bar under Section 18 of the Act of 1989 cannot come in the way of the appellant being granted the concession of anticipatory bail.

5. Notice of motion.

6. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State and seeks time to file reply.

7. Adjourned to 15.07.2024 for service of respondent No. 2.

8. In the meanwhile, the appellant is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

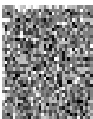
(i) That the appellant shall further make himself available for interrogation by a police officer as and when required.

(ii) That the appellant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the appellant shall not leave India without the prior permission of the Trial Court/CJM concerned.'

4. Learned State counsel on instructions from ASI Balkar Singh has informed that the appellant has joined the investigation in terms of the order dated 02.05.2024 passed by this Court and her custodial interrogation is not required.

5. Learned counsel for the appellant contends that Gurdev Singh-co-accused of the appellant has already been granted concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 13.06.2024 passed



in CRA-S-2260-2024. Copy of the said order is submitted in the Court today, which is taken on record. She further contends that the appellant is entitled for bail on parity as well.

6. Learned counsel for respondent No.2 has opposed the bail petition on the ground of gravity of allegations against the appellant.

7. I have heard the aforesaid submissions and perused the relevant documents.

8. In view of the aforesaid facts and the reasons recorded in the order dated 02.05.2024 and keeping in view the fact that the appellant has joined the investigation; her custodial interrogation is not required; the allegations and counter-allegations between the appellant and complainant are matter of trial and in view of the parity with co-accused-Gurdev Singh, the present appeal is allowed.

9. The order dated 10.04.2024 passed by the learned Additional Sessions Judge, Patiala is set aside. The order dated 02.05.2024 granting interim bail to the appellant is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

10. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.11.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No