

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-26282-2024

Date of Decision: 19.07.2024

Paramjit Kaur

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

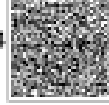
Mr. J.S. Mahal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

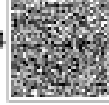
The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of her arrest in FIR No. 100 dated 11.08.2023 registered under Section 304-B IPC at Police Station Dera Baba Nanak, District Gurdaspur, in which the petitioner has been summoned as an additional accused by virtue of Section 319 Cr.P.C.

On 23.05.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking grant of pre-arrest bail in case arising out of FIR No. 100 dated 11.08.2023 registered under Section 304-B of IPC, 1860 at Police Station Dera Baba Nanak, District Gurdaspur, Punjab on the basis of statement of the complainant Sawinder Singh as



recorded on 11.08.2023 alleging therein that his daughter Suranjit Kaur was married with accused Karanbir Singh according to Sikh rites and rituals. Just four days after the marriage, he had raised demand of AC from her. Some days thereafter, he demanded an I-phone, then a washing machine and then a car. On 09.08.2023, Suranjit Kaur made a call to her mother at about 6:00 PM and told her that her in-laws did not need the car demanded by them as they are going abroad. He alleged that as his daughter appeared to be tense, therefore, on 10.08.2023, he had called her and she still appeared to be quite stressed. At about 3:30 PM, the victim called her brother and told him to bring her to her parental house. Sometime thereafter, he received a message that victim was not well and was referred to hospital. On reaching there, he found her to be dead. It was revealed that she had consumed some poisonous substance on account of harassment meted out on the hands of her husband by making demands of dowry. A case under Section 304-B of IPC was registered. Investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body was conducted. The husband of the victim was arrested on 12.08.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented against Karanbir Singh husband of the victim and presently, he is facing trial. During the course of trial, the statement of the complainant Sawinder Singh was recorded on 20.03.2024, wherein he stated that accused Karanbir Singh and the present petitioner had also harassed the victim on account of raising demands of AC, machine, car and I-phone etc. and she was also responsible for her death. An application under Section 319 of Cr.P.C. was moved by the prosecution and vide order



dated 08.04.2024, the present petitioner was ordered to be summoned as an additional accused and directed to face trial along with the accused already arraigned and facing trial. Apprehending her arrest, the petitioner had moved an application for pre-arrest bail before the learned Additional Sessions Judge which has been dismissed, vide order dated 18.05.2024.

It is submitted in the petition and it has argued by learned counsel for the petitioner that she has been falsely implicated in this case. She was neither named in the FIR nor in statement under Section 161 of Cr.P.C. by the complainant or any other witness. Her name had cropped up for the first time in the sworn testimony of the complainant who by making improvement in his previous statement had included her name to wreck vengeance and she was wrongly summoned as an additional accused. It is submitted that she is ready to join proceedings before the trial. Her custodial interrogation is not required. No useful purpose would be served by detaining her in custody. Therefore, it is urged that petition deserves to be allowed.

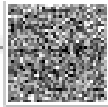
Notice of motion.

On asking of the Court, Ms. Ruchika Sabherwal, Sr. DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

On oral request of learned counsel for the petitioner the complainant is ordered to be impleaded as respondent No.2. Amended memo of parties be filed.

At this stage, Mr. Jagdish Singh Mahal, Advocate has put in appearance on behalf of respondent No.2 and has filed his vakalatnama.

In the meantime, the petitioner will surrender before the trial Court within a period of fifteen days and in the



event of her arrest, the learned trial Court shall admit her on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 19.07.2024 for filing status report/reply by respondents.

The petitioner shall produce on record copy of order passed by learned trial Court on that date to prove that she has appeared before it.”

Learned counsel for the petitioner submits that in compliance of the order dated 23.05.2024, reproduced above the petitioner has surrendered before the learned trial Court on 31.05.2024 and was admitted to bail on her furnishing bail bonds to the tune of Rs.1,00,000/- with one surety in the like amount and she is now facing trial. Learned counsel for the petitioner has placed on record certified copy of order dated 31.05.2024 in Court today, which is taken on record.

Learned counsel for the State as well as learned counsel for respondent No. 2 have not disputed the aforesaid submissions of learned counsel for the petitioner.

In view of the above, the order dated 23.05.2024 is made absolute.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

19.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No