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

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**CRM-M-12082-2025
Date of decision: 14.07.2025**

STATE OF PUNJAB

....Petitioner

Versus

PARAMJIT KAUR

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. In the instant petition under Section 483(3) BNSS, on 04.03.2023, following order was passed:-

“1. Without realising that the Courts are already flooded with a lot of frivolous litigations, State of Punjab has unnecessarily used the office of Advocate General, by filing the present petition, under Section 483(3) of BNSS, 2023, for cancellation of anticipatory bail granted to the respondent – Paramjit Kaur, in case, FIR No.36 dated 22.04.2022, under Sections 323, 452, 506, 34 IPC (Section 302 IPC added later on), registered at Police Station Khamano, District Fatehgarh Sahib.

2. Order impugned herein, was passed on 04.05.2022 by the Court of Sessions, and while granting bail to the two accused namely Dalbara Singh, aged 63 years, and Paramjit Kaur, aged about 60 years, gave its observations, which are reproduced here under:-

“I have heard learned counsel for the petitioners, learned Public Prosecutor for the State along-with learned counsel for the complainant and have also gone through the record of the present case. In the present case, incident is stated to have occurred on 21.04.2022 and the FIR has been registered on 22.04.2022 on the basis of statement made by Amarjit Singh son of Ram Asra i.e. brother of deceased. The perusal of the FIR shows that main allegations are against Jaspreet Singh and Hardeep



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Singh Sarpanch sons of Dalbara Singh. As per allegations in the FIR, present petitioners are not stated to be armed with any weapon and even lalkara is also not attributed to them. Perusal of FIR shows that lalkara is attributed to Hardeep Singh Sarpanch and it is further alleged that Jaspreet Singh gave injury from the reverse side of the Gandasi on the head of Prem Singh, as a result of which, he died subsequently. It is not disputed that both Jaspreet Singh and Hardeep Singh have been arrested and they are now in custody. It is the case of the petitioners that they are being involved in the present case only because they are parents of main accused Jaspreet Singh and Hardeep Singh Sarpanch. Though, learned Public Prosecutor for the State submitted that statement of eye-witness Harpreet Singh son of Jeet Singh was also recorded wherein he alleged that he had heard present petitioners exhorting their son to take revenge but the same was recorded after six days from the date of incident. No such allegations have been levelled by Amarjit Singh in his statement to the Police, though, he is also one of the eye-witness and is alleged to be present in the gathering. The petitioners have already joined the investigation. Thus, keeping in view above, without commenting on the merits of the case, interim order dated 29.04.2022 is made absolute. Anticipatory bail application is disposed of accordingly. File be consigned to Record Room.”

3. *Apart from the filing of the present cancellation petition, the status of the trial, as informed by the learned State Counsel, is that 13 prosecution witnesses have already been recorded. It is only after this stage that the present petition is being argued for the first time, seeking the cancellation of bail for one of the accused, namely Paramjit Kaur. A period of more than 2 years and 9 months has already passed, yet there is no indication that the concession of anticipatory bail granted to the respondent, Paramjit Kaur, has ever been misused.*

4. *While seeking cancellation of anticipatory bail, there are certain parameters which have been specified in the law, such as tampering with the evidence and influencing the witnesses, etc. There cannot be any dispute that on daily basis, in hundred of cases, where no injury has been attributed to an accused, and he/she being empty-handed, regular bail as well as anticipatory bail applications have been granted by the Courts, to them, by noticing the relevant facts and provisions of law.*

5. *Therefore, it appears that decision to file present petition has been taken in a casual manner at every step, without recognizing that the learned Sessions Judge, Fatehgarh Sahib, has*

rightly exercised its judicial discretion and that too, two years and nine months back.

6. *List again on 05.05.2025.”*

2. Today, learned State counsel Mr. Neeraj Madaan, Sr. DAG, Punjab, expresses regret on behalf of the State of Punjab and assured the Court that such a practice i.e. filing of frivolous petition(s) and thereby burdening the Court unnecessarily, would not be repeated in the future.

3. The Court was inclined to impose a heavy cost upon the State of Punjab as a cautionary measure for the future, however, on making the request repeatedly by the learned State counsel, one chance is afforded and the present petition is **disposed of** without imposing any cost.

4. However, let it be acknowledged in clear terms that if, any such frivolous petition is filed in future, same shall be viewed seriously, and strict action shall be taken against the concerned officer.

14.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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