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

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**CRA-S-4251-2024
Decided on:- 03.04.2025**

Gurmej Kaur and others**....Appellants**

Versus

State of Punjab and another**....Respondents****CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Ms. Dolli Sharma, Advocate and
Mr. Sahil Gupta, Advocate
for the appellants.

Mr. Japjot Singh, AAG, Punjab.

Mr. Pardeep Balyan, Advocate
for respondent No. 2.

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AMARJOT BHATTI, J.(Oral)

1. Appellants Gurmej Kaur, Kuldeep Kaur and Dula Singh have filed appeal against impugned order dated 05.11.2024 passed by learned Additional Sessions Judge, Hoshiarpur, whereby anticipatory bail application filed by appellants/accused has been dismissed in Complaint Case BA No. 3116 of 2024 under Section 452, 354, 467, 468, 471 of IPC and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC&ST Act').

2. As per the facts, Gurpreet Kaur filed complaint under Section 452, 323, 354, 420, 406, 467, 468, 471, 500, 120-B of IPC and Section 3(1)(r)(s) of SC&ST Act (Annexure A-3) against Gurmej Kaur and others who are her relatives from the side of her husband i.e. mother-in-law, elder brothers-in-law and wife of one of the brother-in-law. It is alleged that husband of complainant expired on 03.03.2022 in California, USA. It was



their second marriage. Her husband Fateh Singh was having a joint family residing in village Sarain. Fateh Singh had property in California, USA and some property in village Sarain, District Amritsar. After marriage, complainant and her husband came to India on 28.10.2021 and resided in her village Bhikhowal, District Hoshiarpur for one and a half month. In December 2021, her husband returned back to California, whereas, he expired on 03.03.2022. She was sent Death Certificate of her husband showing her as his widow. Documents were sent by Ranjit Singh for obtaining her signatures. She refused to sign said documents. Accused did not tell her about the immersion of ashes of her husband at Gurudwara Bauri Sahib, Goindwal on 14.09.2022. Accused in connivance with each other got prepared death certificate dated 28.03.2022 mentioning that he was never married. Complainant narrated incident when Ranjit Singh and Dula Singh by naming her caste caught hold of her hair, outraged her modesty in presence of witnesses. Occurrence took place in courtyard viewed by public. When complainant refused to sign papers, accused persons threatened complainant, her son and maternal uncle that they have prepared another death certificate of Fateh Singh dated 28.03.2022. Matter was reported to police but no action was taken. Ultimately, she filed complaint.

3. Learned counsel for appellants argued that appellants are family members living in Amritsar. Allegations levelled against them are false on account of property dispute of their deceased son Fateh Singh who was husband of complainant. In fact, Fateh Singh was disowned by family on 17.02.2017 from all movable and immovable properties. He lived



abroad and did not care about his old aged parents. His behaviour was unpleasant towards them. Since February 2017, appellants had no connection with Fateh Singh, who had performed marriage with complainant in the year 2018 in foreign country. They were not involved in their married life. Allegations detailed in complaint are all false. Fateh Singh expired on 03.03.2022 in USA. On the death of Fateh Singh, complainant started fighting with them for getting share in property. She always lived in her parental house and never stayed with them. These false allegations are levelled in order to get property. Therefore, matter in controversy is civil in nature. No offence under SC&ST Act is made out. She is trying to draw benefit being SC/ST category. They are ready to face trial. Earlier, she had filed complaint with police but no action was taken as allegations were false. It is submitted that without appreciating aforesaid factual position, their anticipatory bail application was wrongly declined by learned Additional Sessions Judge, Hoshiarpur by passing impugned order dated 05.11.2024. It is submitted that appeal preferred by appellants may be accepted and they be granted anticipatory bail.

4. Mr. Pardeep Balyan, Advocate appeared and filed Vakalatnama on behalf of respondent No. 2, which is taken on record. He opposed present criminal appeal seeking relief of anticipatory bail. It is pointed out that as per facts narrated in complaint, accused Ranjit Singh and Dula Singh passed casteist remarks against complainant and they caught hold of her and outraged her modesty. Said incident took place in the house of complainant in courtyard in public view. Learned counsel for respondent No. 2/complainant also referred to provisions of Section 18 of



SC&ST Act, according to which there is specific bar for grant of relief of anticipatory bail. Present appellants along with other co-accused are summoned vide summoning order dated 06.04.2024 under the provisions of Section 452, 354, 467, 468, 471 of IPC read with Section 3(1)(r)(s) of SC&ST Act, which is Annexure A-3. Accused persons prepared forged Death Certificate of Fateh Singh-husband of complainant. Allegations are specific and serious in nature. Therefore, considering the factual position, anticipatory bail application was rightly declined by learned Additional Sessions Judge, Hoshiarpur vide order dated 05.11.2024. Appeal preferred by appellants is without merits and same deserves dismissal.

5. I have considered the aforesaid factual position. In the case in hand, arrest of appellants was stayed by Coordinate Bench by passing order dated 26.12.2024. It is a complaint case filed by Gurpreet Kaur against Gurmej Kaur and others (Annexure A-3), in which summoning order has been passed vide order dated 06.04.2024, under the provisions of Section 452, 354, 467, 468, 471 of IPC read with Section 3(1)(r)(s) of SC&ST Act. Facts of case indicate that Gurpreet Kaur complainant was married to Fateh Singh son of appellant No. 1 Gurmej Kaur, who is her (complainant) mother-in-law. Appellants No. 2 and 3 are also relatives of respondent No. 2/complainant Gurpreet Kaur, as Dula Singh is brother of Fateh Singh, whereas, Kuldip Kaur is wife of said Dula Singh. Contents of complaint indicate dispute regarding property as well as alleged fake Death Certificate of Fateh Singh dated 28.03.2022. Contents of complaint further indicates that ashes of Fateh Singh were immersed as per Sikh rites at Gurudwara Bauri Sahib, Goindwal on 14.09.2022. Allegations levelled by



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complainant that she was abused naming her caste by brothers of her husband in the courtyard of the house in public view is matter of trial. Facts of case indicate property dispute after the death of husband of complainant. Since it is a complaint case, no recovery is to be effected from appellants. They are ready to face trial.

Therefore, considering the totality of facts and circumstances of case, impugned order dated 05.11.2024 passed by learned Additional Sessions Judge, Hoshiarpur is accordingly set aside by accepting present appeal and appellants Gurmej Kaur, Kuldip Kaur and Dula Singh are directed to surrender before the trial Court/Duty Judge concerned within 10 days from the receipt of copy of this order and be released on bail to the satisfaction of trial Court/Duty Judge concerned.

6. Pending application(s), if any, also stands disposed of accordingly.

03.04.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No