



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

**CRM-M-11184-2024
DECIDED ON: 22.04.2025**

PARAMJIT SINGH **.....PETITIONER**

VERSUS

STATE OF PUNJAB AND ANOTHER **.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. S.K. Kanojia, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Ms. Ramandeep Kaur, Advocate,
for respondent No.2.

SANJAY VASHISTH, J (ORAL)

1. Present petition has been filed by the petitioner – Paramjit Singh, by challenging the order dated 06.07.2023, whereby Court of learned Sessions Judge, Hoshiarpur, granted anticipatory bail to respondent No.2 – Harjinder Kaur, in complaint CHI/38/2019, filed under Sections 465, 466, 467, 468, 471 and 474 of IPC, read with Section 34 IPC.

2. While dealing with the plea of bail of respondent No.2 – Harjinder Kaur, learned trial Court exercised its discretionary and judicious power and recorded its findings as under:-

“Reference perused. The bail application is transferred from the court of Ms.Jaswinder Sheemar, learned Additional Sessions Judge, Hoshiarpur to this court. It be registered. Notice of the bail application was issued to the respondent. Sh.Pritpaljit Singh

Sangha Adv., has appeared and filed power of attorney on behalf of respondent/complainant in connected bail application titled as "Arvinder Singh Bains Vs. Paramjit Singh" (BA/1686/2023). His presence has been marked in this bail application also.

Through this application under Section 438 of Code of Criminal Procedure, filed on 03.07.2023, bail applicant/accused Harinder Kaur is seeking pre-arrest bail. Respondent/complainant appeared through counsel and contested the bail application. Trial Court's record was requisitioned in connected bail application and had been received.

Arguments heard. Record perused. On filing of a private criminal complaint on 09.04.2019 and on considering the preliminary evidence led by the respondent/complainant, bail applicant/accused Harinder Kaur along with her co-accused has been summoned by the learned Trial Court vide order dated 26.05.2023 for the commission of offence punishable under Sections 465, 467, 468, 471 r/w 120-B IPC on the allegations that in marriage certificate the date has been altered from 19.04.2018 to 19.04.2016 by way of forgery. The bail applicant is not required for the custodial investigation. She is ready to surrender before the learned Trial Court. The offence is triable by the court of Judicial Magistrate 1st Class. Therefore, keeping in view of the above facts and circumstances, the bail applicant/accused and she is directed to surrender before the learned Trial Court within a period of one week and if she does so, she be admitted to bail on her furnishing personal bond in the sum of `50,000/- with one surety of the like amount to the satisfaction of the Learned Trial Court/Duty Magistrate. This application is allowed accordingly. Copy of this order be sent to the court concerned for compliance. Trial Court record be returned forthwith. This file be consigned to the Record Room."

3. Counsel for the petitioner submits that in fact, petitioner was not given an opportunity of hearing, and inadvertently, he has been shown to be represented through Mr. Pritpal Singh Sangha, Advocate, in the order dated 06.07.2023.

Counsel for the petitioner further submits that as per the law laid down in the judgment of Hon'ble Apex Court in *Jagjeet Singh and others vs. Ashish Mishra @ Monu and another 2022 (9) SCC 321*, plea of bail to any accused would not be considered in the complaint case, unless the complainant is given an opportunity to explain his case.

4. This Court has heard the submissions addressed by counsel for the parties, and finds that petitioner cannot succeed in the present petition on the above mentioned ground because in support of his submissions, nothing has been placed on record, rather it is specifically observed by learned Sessions Judge, Hoshiarpur, in its order dated 06.07.2023 that “*respondent-complainant appeared through counsel and contested the bail application. Trial Court's record was requisitioned in connected bail application and had been received.*”

Further, after going through the complete order passed by the lower Court, it is found that while considering the plea of bail of the accused, Court has perused the record and it is only thereafter that the plea of bail has been accepted.

5. Since, counsel for the petitioner is unable to point out any illegality and perversity in the order dated 06.07.2023, prayer made in the present petition, regarding cancellation of the bail, is found to be untenable. Hence, the same is **dismissed**.

22.04.2025

Lavisha

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*