

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 35645 of 2014
 Date of decision: 30.4.2015

Parveen Kumari @ Parveen Rani

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jaideep Verma, Advocate,
 for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

RAJ MOHAN SINGH, J.

Petitioner seeks quashing of FIR No.8 dated 18.1.2014 (Annexure P-1) under Sections 302, 201, 120-B IPC registered at Police Station Daba District Ludhiana along with entire subsequent proceedings on the ground that three of the co-accused have already been acquitted by the Additional Sessions Judge, vide judgment dated 12.9.2014 (Annexure P-9).

On 17.3.2015, this Court passed the following order:-

"Learned counsel for the petitioner inter alia submits that the FIR was registered against four accused and challan was presented against three of the accused except the petitioner. It was recited in the challan that a supplementary challan would be presented against the petitioner after her arrest. The co-accused namely

Manpreet Kaur, Manjit Singh and Sukhbir Singh faced the trial and the same ultimately resulted in acquittal as material prosecution witness resiled.

Learned counsel further submits that the petitioner was never arrested by the Police nor was declared proclaimed offender at any point of time. The non-bailable warrants issued to the petitioner were never executed and still the same is at the stage of execution in which execution of non-bailable warrants of the petitioner are fixed for 13.4.2015 regarding proclamation. Apparently the petitioner has not been declared as proclaimed offender so far.

Keeping in view the judgment of acquittal in respect of co-accused, it will be just and expedient to direct the petitioner to appear before the trial Court.

In the event of her appearance before the trial Court, trial Court shall admit the petitioner on interim bail subject to its satisfaction.

The Police is also directed to file status/summary of allegations against the petitioner to show any divergence from the case pleaded against her co-accused which had already entailed in acquittal of those three accused persons.

List on 20.04.2015."

In pursuance to the aforesaid order, petitioner appeared before the trial Court and was granted interim bail to the satisfaction

of Judicial Magistrate, Ist Class on 25.3.2015.

It was thought appropriate by the Court to have the stand of the prosecution with regard to culpability of the petitioner i.e. whether State pleads any deviation from the case already stood culminated in acquittal. This Court on 20.4.2015, passed the following order:-

"Learned counsel for the petitioner submits that in pursuance to order dated 17.03.2015, petitioner has appeared before the trial Court and has been granted interim bail to the satisfaction of Judicial Magistrate Ist Class, vide order dated 25.03.2015.

Notice of this petition be issued to respondent-State to filestatus of the case in respect of petitioner whether State pleads any deviation from the case already pleaded in respect of co-accused, who have already been acquitted by the trial Court.

Adjourned to 30.04.2015.

In the meanwhile, the petitioner shall keep on appearing before the trial Court on the date fixed."

Today, Learned State counsel has filed a short affidavit on behalf of respondent and stated that the role of the petitioner was at par with other co-accused who have since been acquitted.

In view of aforesaid, the observations made in **Sudo Mandal @ Diwarak Mandal vs. State of Punjab, 2011 (2) RCR (Crl.) 453** are squarely applicable.

Resultantly, FIR No.8 dated 18.1.2014 (Annexure P-1)

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under Sections 302, 201, 120-B IPC registered at Police Station
Daba District Ludhiana along with all subsequent proceedings arising
therefrom stand quashed.

(RAJ MOHAN SINGH)
JUDGE

April 30, 2015
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