

CRM-M-11664 of 2015

Date of decision: April 24, 2015

RAJ KAUR

.... PETITIONER

Versus

STATE OF PUNJAB

.... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGHPresent: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab..

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Raj Kaur under Section 439 Cr.P.C. seeking bail in case FIR No. 65 dated 17.04.2013 under Sections 376 and 120-B IPC, registered at Police Station Bhikhiwind, District Tarn Taran, during the pendency of trial.

2. Allegations against the petitioner are that she facilitated the commission of rape upon prosecutrix by Gursewak Singh, by calling her to her house.

3. Undoubtedly, previous petition preferred by petitioner under Section 439 Cr.P.C was dismissed by this Court vide order dated August 06, 2013 mainly on the ground that complainant and prosecutrix were yet to be examined and further that in view of those facts, she was not entitled for bail at that stage.

4. Now, instant petition has been preferred after the examination of complainant as well as prosecutrix. It is an admitted fact that petitioner was arrested in this case on April 18, 2013. Since then, she is suffering incarceration. Allegations are only to the effect that she joined hands

and conspired with her co-accused, who is also facing trial under Section 376 Cr.P.C with the petitioner.

5. Since the prosecutrix and complainant have been examined; besides, examination of some other witnesses, there is no apprehension on winning over the witnesses or exercising pressure upon them by the petitioner. The disposal of challan would also take sufficient long time. Moreover, petitioner is a lady, who is suffering incarceration for the last more than two years.

6. Taking into consideration all the above-said facts but without expressing any opinion on the merits of this case, instant petition is allowed. Petitioner is ordered to be released on bail to the satisfaction of learned trial Court/Duty Magistrate, Tarn Taran.

April 24, 2015
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(JASPAL SINGH)
JUDGE