

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35212-2015

Date of Decision: October 20, 2015

Jaswinder Kaur @ Sunita

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Jaswinder Kaur @ Sunita, wife of Sukhwinder Singh, resident of village Wazirpur, Tehsil and District Nawanshar, who has been booked for having committed the offences punishable under Sections 120-B, 363A, 366A and 376, IPC, and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012, in a case arising out of FIR No. 175, dated 11.7.2015, registered at Police Station, Phillaur, District Jalandhar.

Learned counsel contends that the petitioner is mother of four children; she is sister of Rajesh Kumar, who alleged to have committed rape on the prosecutrix; in fact, Rajesh Kumar had solemnized marriage with the prosecutrix with the consent of Mandeep Kaur, elder sister of the prosecutrix and the said fact is substantiated from the photograph (Annexure P-3); the main accused who alleged to have committed rape and three more persons including the petitioner were arrested; and that the petitioner being the sister of the main accused, has been falsely implicated just to widen the array of the accused. She further submits that the prosecutrix who is legally wedded wife of Rajesh Kumar, has presented an application before the Director General of Police, Punjab, stating that she was legally married wife of Rajesh Kumar and he (Rajesh) alongwith his other relatives have been falsely implicated in the present case. She also points out that Bobby @ Sapna, sister of the petitioner, has been granted ad-interim anticipatory bail by this Court vide order dated 14.9.2015. In support of her submissions, learned counsel for the petitioner has placed reliance on the judgment delivered in the matter of **Smt. Bimla v. State of Haryana**, 2000 (1) R.C.R. (Criminal) 433 (P&H).

Learned counsel for the State after taking instructions from HC Om Parkash of Police Station, Phillaur, District Jalandhar, and going through the police file submits that the petitioner had actively participated in abduction of the prosecutrix and, as such, does not deserve the concession of bail. He has, however, for want of knowledge, denied the factum of moving an application by the prosecutrix before the Director General of Police, Punjab, with regard to innocence of the petitioner and her co-accused.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the petitioner being a woman had not committed rape upon the prosecutrix; the factum of solemnization of marriage of the prosecutrix with the brother of the petitioner, Rajesh Kumar, who allegedly committed rape, is yet to be decided during course of trial; the petitioner is behind the bars from 30.8.2015; the investigation qua her is complete; and that as per learned counsel for the State, the charge-sheet is likely to be presented in near future.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner,

Jaswinder Kaur @ Sunita, wife of Sukhwinder Singh, resident of village Wazirpur, Tehsil and District Nawanshar, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

(NARESH KUMAR SANGHI)
JUDGE

October 20, 2015
Pkapoor