

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

**CRM No.M-18453 of 2017
Decided on: 30.05.2017**

Gurpreet Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. J.S. Warring, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.70 dated 08.04.2017, for offence punishable under Sections 420, 376, 498-A and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Talwandi Sabo, District Bathinda.

Counsel for the petitioner has submitted that the petitioner is the mother of Surat Singh – accused against whom the complainant has levelled allegations of rape constituting offence under Section 376 IPC. It is further submitted that the photographs would indicate that proper Anand Karaj ceremony in the presence of various persons was performed and thereafter the complainant went to her matrimonial home. It is further submitted that the petitioner has already been remanded to judicial custody and is no longer required for the purpose of investigation. The petitioner is ready to face the proceedings, in accordance with law.

Counsel for the State has opposed the prayer for bail with

the submission that Surat Singh and his family extracted huge amounts of money from the complainant side as detailed in the FIR.

I have heard counsel for the parties, perused the paperbook and the police records.

The allegations raised in the FIR with regard to fake marriage prima facie does not appear to be correct from the photographs placed on record. The petitioner is no longer required for the purpose of investigation. Law with regard to grant of bail to a woman is more liberal. There is no allegation against the petitioner that she is likely to flee from the process of justice in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the Illaqa Magistrate. However, she shall remain bound by the following conditions:-

(i) She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(ii) She shall not leave India without the previous permission of the Court.

30.05.2017

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No