

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

**CRM No.M-19028 of 2017
Decided on: 30.05.2017**

Vijay Lakshmi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Tarun Vir Singh Lehal, 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.41 dated 16.03.2017, for offence punishable under Sections 363, 366-A, 376 of the Indian Penal Code, 1860 (in short 'IPC') and 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered in Police Station Civil Lines, Batala, Police District Bathinda, District Gurdaspur.

Counsel for the petitioner has submitted that the petitioner has been indicted in the crime being mother of the main accused – Pankaj Kumar who allegedly enticed the victim, daughter of the complainant. It is further submitted that Pankaj Kumar is married and his wife is in the advanced stage of pregnancy. The petitioner has been remanded to judicial custody, therefore, 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 the matter is still under investigation.

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

Concededly, the petitioner is no longer required for the purpose of investigation. The alleged kidnapped girl was recovered and her statement under Section 164 Cr.P.C. was recorded by a Judicial Magistrate. The victim has not attributed any culpability to the present petitioner. On the contrary, she would state that even after coming to know that Pankaj Kumar was married she was taken away and both of them resided together at Calcutta and developed physical relations. There is no allegation against the petitioner that she is likely to flee from the process of justice in case enlarged on bail. Pankaj Kumar, the main accused has already been arrested and is behind the bar.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial Court. 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