

Criminal Misc. No. M- 25618 of 2017 (O&M)

Date of decision : December 06, 2017

Jaspreet Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 28 dated 09.04.2017 under Section 376 IPC and Sections 65, 66, 67 of Information and Technology Act and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women registered at Police Station Mehna, District Moga.

It is submitted that the petitioner has been falsely implicated in this case. As per the allegations in the FIR, the petitioner is alleged to have allured the prosecutrix and facilitated rape of the victim at the hands of her husband. Thereafter, the petitioner is alleged to have threatened the victim not to reveal the incident or her obscene videos would be uploaded. Learned counsel for the petitioner vehemently argues that it is not possible that a wife would facilitate her own husband in the commission of an offence punishable under Section 376 IPC. Moreover, the victim as well as the complainant i.e. her mother have since testified before the learned trial

Court. The petitioner has three minor children and there is none to look after the said children as both the petitioner and her husband are in custody. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from ASI Raj Dhin, verifies that the complainant as well as the victim, in this case, have testified before the learned trial Court. Ten (10) prosecution witnesses are yet to be examined. It is verified that the petitioner has three minor children and her husband is in custody. Trial, in this case, is not likely to conclude in the near future. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

It is, however, clarified that the petitioner shall not try to contact the complainant or any of her family members in any manner - directly or indirectly. Any such infraction on the part of the petitioner shall entail cancellation of her bail.

December 06, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No