

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

CRM-M No. 775 of 2017

Date of Decision: 22.02.2017

JASVIR KAUR

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravi K. Mattoo, Advocate
for the petitioner.

Mr. Jashanpreet Singh, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has filed this petition for grant of regular bail in case bearing FIR No. 53 dated 22.03.2016 under Sections 307/382/365/120-B of IPC registered at Police Station Civil Lines, Patiala.

The FIR was registered at the instance of Krishan Kumar with the allegations that on 19.03.2016, at about 7.00 p.m., he received a call from the accused-petitioner. The complainant reached the house of the petitioner but could not locate her. He called her then the petitioner asked him to reach at Gurudwara Shri Dukhniwaran Sahib where she will come to take him. The complainant further stated that he reached at the disclosed place and from there the petitioner led his car in a rented

accommodation. On reaching, complainant had two pegs of liquor and sat with the petitioner. When he was talking, four youths entered the house and tied his arms and after putting a tape on his mouth, put him in a room. All the four boys committed rape upon the petitioner and then in the night at about 12'o clock, took out keys from the pocket of the complainant and threw him in the car. They took the complainant to some undisclosed place and then they called the petitioner. They said that they will release the complainant only after receiving Rs.10 lacs. The complainant pleaded for his release. Two of the persons left the place. The complainant was taken by the remaining two persons and threw him in the Bhakra Canal near Gurudwara Sahib adjoining to village Jassowal. The people standing near Gurudwara Sahib brought him out of the canal. Police also reached there. With this background, the FIR came to be registered.

Petitioner is accused of a conspiracy where the demand of Rs.10 lacs was made by the accused persons in connivance with the petitioner. Admittedly, co-accused Karam Singh has already been granted regular bail by this Court in CRM-M No.39575 of 2016 on 01.12.2016. Regular bail of the petitioner was earlier dismissed on 16.08.2016 i.e. before the grant of bail to the co-accused.

In clarification of the order dated 16.08.2016, the Coordinate Bench has observed that the order passed on

16.08.2016 will have no binding effect on the trial Court while assessing merits of the case.

Learned State counsel on instructions from ASI Mewa Singh contended that during investigation more particularly in challan, it has come on record that the petitioner also conspired with other co-accused in the context of making demand of Rs.10 lacs, however, the source of such information could not be elaborated with reference to any statement or disclosure made by the accused.

At this stage, without forming any opinion on the merits of the case, I deem it appropriate to consider the case of the petitioner for grant of regular bail who is in custody since 31.03.2016.

In view of above, the petitioner is ordered to be released on bail on her furnishing adequate bail bonds/surety bonds subject to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

22.02.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No