

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-9299 of 2017

Date of Decision: 24.3.2017

Veer Kaur

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. K.S.Kang, Advocate
for the petitioner

Rekha Mittal, J.

Notice of motion.

Mr. Mikhail Kad, AAG, Punjab accepts notice on behalf of the respondent-State.

The petitioner prays for grant of regular bail in FIR No. 2 dated 8.1.2017 for offence punishable under Sections 363, 366-A of the Indian Penal Code (in short "IPC") and 3/4 of the Protection of Children from Sexual Offences Act, 2012 (in short "the Act") registered at Police Station, Dera Baba Nanak, Batala,

Counsel for the petitioner would submit that the petitioner has been arrested in the case as she happens to be sister of mother of Harpreet Singh, main accused in the case. It is further submitted that neither the alleged kidnapped girl has been traced to record her version nor Harpreet Singh has been arrested. However, elder brother of Harpreet Singh and his father have been arrested and they are in custody. The petitioner's name

does not figure in the FIR registered at the instance of mother of the alleged victim. The petitioner has been remanded to judicial custody, therefore, no longer required for the purpose of investigation. She is the mother of three children aged 17 to 22 years and her custody is a serious setback to her family.

Counsel for the State has submitted that as the alleged kidnapped girl is yet to be recovered, the petitioner is not entitled to be enlarged on bail.

Be that as it may, the petitioner has not been nominated as an accused by the complainant. She is remanded to judicial custody, therefore, no longer required for the purpose of investigation.

Without commenting upon merits of the controversy, bail to the petitioner subject to satisfaction of the Duty Magistrate. However, she shall abide by the following conditions:-

- (i) She shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) She shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of.

(Rekha Mittal)
Judge

24.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No