

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

**Criminal Misc. No.M- 17806 of 2017(O&M)**

**Date of Decision: February 26 , 2018.**

Sukhwinder Kaur

..... PETITIONER (s)

**Versus**

State of Punjab

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. L.M.Gulati, Advocate  
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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**LISA GILL, J.**

The petitioner seeks the concession of anticipatory bail in FIR No.69 dated 18.04.2017 under Sections 365/363/366A/376D/120B IPC read with Section 5 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jandiala, Amritsar.

The abovesaid FIR was registered on the statement of the complainant i.e., the mother of the victim, on 18.04.2017 to the effect that her daughter aged about 17 years was missing from her home since 15.04.2017. The complainant stated that she had gone as usual for her duty at 9.00 a.m. on 15.04.2017. When she returned home at 5.00 p.m., her younger daughter was not at home. On inquiry from her elder daughter, it is revealed that Parneet Kaur and Komalpreet Kaur i.e., two of the class-fellows of her sister had come to their

home. The victim had accompanied them to the house of Ravneet. The complainant made inquiries at their houses, but her daughter could not be located. The complainant alongwith her family made efforts to search for the victim but when she could not be traced, the abovesaid FIR was lodged stating therein that the victim was taken away by some unknown person to illegally confine her.

The victim was found standing outside Police Station Jandiala on 25.04.2017 in a perplexed and traumatised state. Her custody was handed over to her mother. The victim's statement was recorded under Section 161 Cr.P.C. on 26.04.2017. The victim stated that,

“..... she went with Komalpreet Kaur and in a telephone shop Komalpreet Kaur served her with tea. Thereafter, the victim became unconscious and when she gained consciousness she found herself with Ashu, a resident of Jandiala. She was given injections by 2/3 persons. Thereafter Sonu kept her in a restaurant, where two persons raped her. The owner of the restaurant tried to save her from them and her video was also prepared. Thereafter, Sukhwinder Kaur again gave her some medicine. The victim was allegedly raped in the hotel by Manjinder @ Sonu, Hardeep Singh and Lakha Singh photographer. Sukhwinder Kaur was also present at that time. Later on, they got her marriage solemnized with Kuljit Singh @ Kuldeep.”

Learned counsel for the petitioner submits that the petitioner is a disabled person suffering from a permanent disability of 50% of the left lower limb. She has been falsely implicated in this case. The petitioner, it is submitted, is the mother of class-fellow of the alleged victim in this case. Learned counsel for the petitioner submits that the present petitioner has no role to play in the entire controversy. It is further submitted that the final report in this case has

since been presented. The petitioner has joined investigation and cooperated with the Investigating Agency. It is thus prayed that this petition be allowed.

Learned counsel for the State argues that though the petitioner has joined investigation pursuant to the interim order passed by this Court, the positive complicity of the petitioner was discovered during investigation of the matter by the Special Investigation Team constituted after an application was moved by the victim and her mother before the State Commission for Scheduled Castes and Minorities. Therefore, this petition be dismissed.

I have heard learned counsel for the parties and have gone through the file of this case.

There are specific allegations against the present petitioner. Interim bail was granted to the petitioner by this Court on 30.05.2017 while specifically observing that the said benefit would not enure to the petitioner after receipt of the report of the Special Investigation Team. The Special Investigation Team consisting of the Superintendent of Police, Investigation, Amritsar Rural, the Deputy Superintendent of Police, Jandiala Guru, the Deputy Superintendent of Police, Headquarters, Amritsar Rural and the SHO, Police Station Jandiala Guru, investigated the matter and found that the petitioner was specifically involved in the commission of the offence. The effect or otherwise of the alleged affidavits of the complainant and the victim in the petitioner's favour cannot be taken into consideration at this stage.

Keeping in view the specific allegations against the petitioner, facts and circumstances of the case, I do not find any ground to afford the concession of anticipatory bail to the petitioner.

Petition is dismissed.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 26 , 2018.  
'om'

**( LISA GILL )**  
**JUDGE**

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