

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Smriti
2018.06.14 17:43
I attest to the accuracy and
integrity of this document

CRM-M-25169-2018

Date of decision: 13.06.2018

Sonia Sharma

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 49 dated 13.03.2018 under Sections 354-A, 506 of IPC and Sections 11 and 12 of the Protection of Children from Sexual Harassment Act, 2012 registered at Police Station City, Kharar, District SAS Nagar, Mohali.

Counsel for the petitioner submits that the prosecutrix-daughter of the petitioner is aged about 14 years. Counsel further submits that as per the allegation in the FIR, the petitioner had developed relation with co-accused Jaspal Singh Makkar @ Jas Makkar @ Palli and on that account, there was a matrimonial discord between her parents and at the instigation of the mother, the said Jaspal Singh Makkar @ Jas Makkar @ Palli had committed the offence.

Counsel for the petitioner further submits that the petitioner has two daughters, who are aged about 17 years and 15 years and even a divorce petition is pending between the parties and subsequent to the registration of the FIR, the complainant has reconciled the matter and has entered into a settlement dated 09.06.2018 which is supported by an affidavit of the husband of the petitioner/father of the complainant-Aseem Sharma.

On 11.06.2018, case was referred to the Mediation and Conciliation Centre of this Court for recording the statement of the complainant. The aforesaid documents were taken on record and the complainant alongwith her father-Aseem Sharma, appeared before the Mediator on 11.06.2018 (Mr. Rakesh Gupta, Advocate, for petitioner-Sonia Sharma has also put in appearance before the Mediator and his name was wrongly typed as counsel for the complainant) and as per the statement recorded before the Mediator, she has stated that she does not want to take any legal action against her mother/petitioner as her complaint is not against the petitioner and she got the FIR registered against Jaspal Singh Makkar @ Jas Makkar @ Palli.

Learned State counsel has filed custody certificate and as per the custody certificate, the petitioner has undergone 01 month and 03 days.

Learned State counsel, on instruction from ASI Kewal Singh, submits that co-accused Jaspal Singh Makkar @ Jas Makkar @ Palli is yet to be arrested.

Without commenting anything upon the merits of the case and in view of the statement of the complainant as well as her father-Aseem Sharma, the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court. However, it is made clear that the statement of the complainant, recorded before the Mediator, is only for the purpose of granting bail to the petitioner and will have no bearing on the merits of the case and it will be open for the trial Court to record the statement of the prosecutrix on oath during trial.

Disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.06.2018.
smriti

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No