

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

Criminal Misc. No.M- 33700 of 2017(O&M)

Date of Decision: January 16 , 2018.

Harjinder Kaur

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Arya, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 46 dated 24.03.2017 under Sections 376(2)(N)/120B/109 IPC and Sections 67/67A of the Information Technology Act, 2000, registered at Police Station Samana, District Patiala.

It is submitted that the petitioner is the mother of Gopal Singh, who is alleged to have allured the daughter of the complainant, clicked indecent photographs and thereafter committed rape. It is submitted that the present petitioner has not been named in the abovesaid FIR. However, in the statement

recorded under Section 164 Cr.P.C./supplementary statement, the victim has named the petitioner. Even in the said statements, no specific overt act has been attributed to the petitioner except rendering of threats to the victim and her family. The co-accused Basant Singh and Harpal Singh have been afforded the concession of anticipatory bail by this Court in CRM No.M-16332 of 2017. The petitioner has been in custody since 19.08.2017. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the petitioner has not been named in the FIR but subsequently in the statement under Section 164 Cr.P.C. as noticed above. The petitioner has been in custody since 19.08.2017. It is verified on instructions from ASI Harminder Singh that final report under Section 173 Cr.P.C. in this case has been presented. The petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Harjinder Kaur is allowed. 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 made clear that the petitioner shall not directly or indirectly try

to contact the complainant, victim or any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

January 16 , 2018.
'om'

(LISA GILL)
JUDGE

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