

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-44433 of 2018 (O&M)
Date of decision : December 20, 2018

Sarabjit Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Parminder Singh Sekhon, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Sarabjit Kaur in this first regular bail application under Section 439 Cr.P.C. are as follows:-

The present case was got registered on the statement of Jeet Singh father of a girl. The complainant in his complaint alleged that his daughter who was a minor aged around 17½ years and has passed 8th class and working at Thread Factory had gone to the work place and thereafter never returned back. The father suspected that two months prior to this occurrence principal accused non-applicant Satgur Singh who was a Caretaker at a religious place had managed to take away his daughter after the latter was introduced by the petitioner with the principal accused leading

to the registration of the present case and arrest of the petitioner on 15.8.2018.

Mr. Parminder Singh Sekhon, learned counsel for the petitioner contends that there is no semblance of evidence to show the role of the petitioner in the commission of offence and sought to highlight that in her stand taken under Section 164 Cr.P.C. before the learned JMIC on 27.10.2018, the girl had shown herself to be major aged 18½ years old and had gone with the principal accused on her own and claimed to be the legally wedded wife of Satgur Singh.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Sukhjinder Singh has argued and opposed the grant of bail on the grounds that the petitioner being axis around which the entire crime has revolved was instrumental in introducing this minor girl who was enticed and taken away by the principal accused and thus, if allowed bail, she will stifle the trial.

Appreciating the submissions, to the very specific query of the Court, the learned State counsel fairly concedes at the bar that there is no semblance of evidence to connect the petitioner with the commission of offence. The girl in her statement under Section 164 Cr.P.C. claims that she is 18½ years of age and has shown the principal accused Satgur Singh to be her husband. Thus, a debatable issue has arisen over the very applicability of Sections 363, 366-A, 120-B IPC together with the fact that the petitioner is behind the bars since a long time and the culpability, if any, shall be determined at the trial which is not likely to be concluded in near future, no

purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sangrur.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 20, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No