

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

CRM-M No.47943 of 2018

Date of decision: 11th December, 2018

Manpreet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Sanjeev Kumar, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Manpreet Kaur in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.148 dated 30.06.2018 under Sections 354-A, 506, 120-B IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Dugri, District Ludhiana, are that the petitioner, a married woman was in a relationship with her co-accused non-applicant Daler Singh who was friend of her husband Paramjeet Singh and used to visit her house when husband of the petitioner used to be away. It is alleged that around 26.06.2018 while daughter of the petitioner, a young girl aged around 14 years, was alone in the house, Daler Singh had touched her inappropriately at various parts of her body including private parts and that the only allegations against the petitioner

mother are that she kept silent over this incident and rather gave fillip to it at the behest of her co-accused.

Learned counsel for the petitioner Mr. J.S. Dadwal, Advocate contends that there is no specific role attributed to the petitioner in the commission of offence and that she is behind bars since 30.06.2018 and that the co-accused Daler Singh who is the principal accused has since been released on bail.

On behalf of the State, Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab on instructions from ASI Jagtar Singh, Police Station Dugri, Ludhiana assisted by Mr. Sanjeev Kumar, Advocate representing the complainant has sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations and argued that the investigations are still underway and if allowed bail the petitioner might influence the witnesses.

Going through the arguments of the two sides, it is the own stand of the prosecution that no specific role is attributed to the petitioner mother in commission of the offence against her co-accused Daler Singh. The only averment which could be gathered from the story of the prosecution is that she kept mum over such incidents that were taking place in her household because of her amorous relationship with the co-accused Daler Singh. Though learned State counsel submits that appropriate offences under Section 19 read with Section 21 of the Protection of Children from Sexual Offences Act, 2012 have not been

slapped in the present case qua the petitioner but could not bring out any evidence collected as to the element of criminal conspiracy so claimed before this Court against the petitioner. The petitioner is behind bars since almost six months. Culpability, if any, shall be determined at the trial which is not likely to be concluded in the near future. Therefore, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 11, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No