

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-48954-2018 (O&M)

Date of Decision: November 14, 2018

Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 58 dated 29.06.2018, under Sections 363, 366-A, 120-B of Indian Penal Code, registered at Police Station Rangar Nangal, Tehsil Batala Police, District Batala, District Gurdaspur.

Learned counsel for the petitioner herein contends that the petitioner herein is the mother of Sukhdev Singh and the custody of the petitioner is unwarranted on account of the fact that the son of the petitioner and daughter of the complainant had approached this Court by way of filing CRM-M-28394-2018, in which it had been submitted that though the daughter of the complainant was a minor, she was living with the petitioner of her own sweet will. She had left her home voluntarily and had started living with the son of the petitioner on account of the fact that

her parents were forcibly getting her married to some another person. Learned counsel further contends that the mother of Sukhdev Singh-the petitioner herein has no role to play in the life of her son and daughter of the complainant. Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 11.10.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature and submits that both Sukhdev Singh and the daughter of the complainant have not been located so far.

I have heard learned counsel for the parties.

Taking note of the fact that Sukhdev Singh, son of the petitioner and daughter of the complainant had appeared in this Court and had sought protection and the matter is pending adjudication, this Court is of the opinion that incarceration of the petitioner for an indefinite length of time, only to secure the presence of Sukhdev Singh and daughter of the complainant would serve no useful purpose by keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

November 14, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No