

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

**Criminal Misc. No.M-7043 of 2018(O&M)
Date of Decision: April 24, 2018.**

Sarabjit Kaur

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Deepak Gupta Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG., Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.95 dated 13.10.2016, under Sections 366-A, 368, 370, 373, 376, 506, 120-B IPC and Section 5 and 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kot Fatta, District Bathinda.

It is submitted that the petitioner has been falsely implicated in this case and no offence is made out against her. In-fact, the victim in this case had herself left her parental home after a dispute with her mother and taken shelter in the present petitioner's home. Even, in her statement before the learned trial Court, the victim (PW-1) specifically stated that she went out of her own accord to the petitioner's home. Specific allegations are levelled against Sarabjit Kaur

wife of Karnail Singh and not the present petitioner, who has nothing to do with the controversy in hand. It is further submitted that while the petitioner was in custody, her two years old son also passed away in December 2017. It is thus prayed that this petition be allowed.

Learned counsel for the State, is unable to point out at this stage any overt act attributed to the present petitioner. The victim has since deposed before the learned trial Court. Her statement is attached as Annexure P-1 with this file. The petitioner is a lady and her son is confirmed to have passed away in December 2017. It is further verified on instructions from ASI Basant Singh that the petitioner is not involved in any other criminal case.

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. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the 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 Sarabjit Kaur wife of Janta Singh, 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.

Petitioner shall not attempt to contact the victim or any of her family members/witnesses in any manner directly or indirectly. Any such infraction shall entail cancellation of bail afforded to her.

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.

24.04.2018

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned

:

Yes/No.

Whether reportable

:

Yes/No.