

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

CRM-M No.4801 of 2019

Date of decision: 13th November, 2019

Meera Devi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Narinder S. Lucky, Advocate for
Mr. Amandeep Singh, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner accused Meera Devi in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.163 dated 12.08.2017 under Sections 363, 366A, 376, 120B IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Jamalpur, District Ludhiana, have been levelled by complainant Sham Sunder Parshad, father of a young girl aged around 15 years. It is alleged that on 01.08.2017, the complainant and his wife had gone for a stroll when their daughter who was a student 8th Class remained at home on pretence of medical illness and eloped with accused Ravi Kumar, son of the petitioner. The allegations against the petitioner are that being mother of the boy, she had been hand-in-glove with him and had connived in this elopement.

Learned counsel for the petitioner Mr. Narinder Singh Lucky, Advocate inter alia contends that son of the petitioner and the girl, who happens to be daughter of the complainant, were in a relationship and had eloped of their own without consent and knowledge of the petitioner who too was averse to this relationship and has been falsely implicated and is behind bars for one year and ten months.

On behalf of the State, Ms. Sakshi Bakshi, Assistant Advocate General, Punjab on instructions from ASI Bhupinder Singh, Police Station Jamalpur, though has not disputed the facts canvassed before this Court, but has strongly opposed the grant of bail on the grounds that being mother of the principal accused, the petitioner was instrumental in this crime and had instigated the boy and that the girl had categorically in her testimony before the trial Court stated it so.

Going through the submissions of the two sides, as is there on the records and is duly conceded to at the bar by learned State counsel, no role is specifically attributed to the petitioner by the victim in her statement under Section 164 Cr.P.C. and that as is there all allegations have come about subsequently. The petitioner has undergone long incarceration. In view thereof and the fact that the trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he 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

November 13, 2019
rps

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