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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11000-2019 (O&M)

Date of decision:02.05.2019

NIRMAL KAUR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr. Sarbjit Singh, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

CRM-13850-2019

Prayer in this application filed under Section 482 Cr.P.C. is to
place on record evidence of PW-3 (Annexure P-4).

For the reasons stated in the application, same is allowed and
the document Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-11000-2019

Prayer in the present petition filed under Section 439 Cr.P.C. is
for grant of regular bail to the petitioner in case FIR No.49 dated 11.04.2018
registered under Sections 363, 366, 120-B of IPC (Section 376 of IPC and
Sections 4 and 5 of POCSO Act, 2012 added lateron) at Police Station
Jandiala, Amritsar.

The aforesaid FIR was registered on the statement of Harwinder Singh complainant who is father of the prosecutrix with the allegation that on 10.04.2018 in the morning when the entire family was at home and his daughter Muskan has gone outside, she was enticed away by Narinder Kaur wife of Bira Singh, Amandeep Kaur daughter of Bira Singh, Sandeep Singh son of Gurnam Singh, Harjeet Singh @ Jeeta and the petitioner-Nirmal Kaur, in connivance with each other.

Counsel for the petitioner has argued that the petitioner is in custody since 11.04.2018. The allegation of rape, if any, is against Sandeep Singh who is already in custody. The petitioner is named in the FIR being mother of Sandeep Singh. The allegation against the petitioner is that she has brought a pink colour suit for the prosecutrix and forced her to wear the suit.

Counsel for the complainant has argued that it is the petitioner who is instrumental in the whole case. Had she not encouraged Sandeep Singh, the offence of rape on a minor of about 14 years of age, would not have been committed. However, he does not dispute the custody of the petitioner.

Learned State counsel has argued that the prosecutrix had deposed against the petitioner, therefore, she is not entitled for the bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 11.04.2018 and the allegation of commission of rape, if any, is against Sandeep Singh who is already in custody. Moreover, as against total 17 witnesses cited by the prosecution, only 9 witnesses have been examined so far. The trial in the case will take

petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

02.05.2019
sanjeev

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