

CRM-M-14325-2019

Date of Decision : 08.05.2019

Gurpreet Kaur

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Arihant Jain, Advocate
for the petitioner.Mr. Saurav Khurana, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application of petitioner-Gurpreet Kaur, under Section 438 Cr.P.C. in a case bearing FIR No.265 dated 27.11.2018 under Sections 376/120-B of the Indian Penal Code registered at Police Station Lehra, District Sangrur.

The allegations against petitioner-Gurpreet Kaur, who is a married lady, has been levelled by the complainant, husband of a married lady aged around 26 years, alleging that on 07.12.2017, the victim was left at the railway station of Village Lehragaga and from where, one, Avtar Singh @ Tari defiled her after forcibly solemnizing marriage with her. The only allegations against petitioner-Gurpreet Kaur is that she happens to be

the sister of the accused.

Learned counsel for the petitioner *inter alia* contends that the petitioner is neither named in the FIR nor any specific role is attributed to her in the commission of the offences and that the victim, who is a married lady, has left her matrimonial home, on her own and started residing with the principal accused and thus, has sought to even displace the allegations of rape.

The learned State counsel, on instructions from ASI Satprakash, Police Station Lehra, Sangrur, has readily accepts the facts that has been canvassed, before this Court, by learned counsel for the petitioner but has opposed the grant of relief, on the ground of seriousness of the allegations and heinousness of the offences.

Going through the submissions, admittedly, the petitioner is a grown up married lady who is the sister of the principal accused and is residing at her matrimonial home, away from the alleged place of occurrence. She has not been named in the FIR.

In light of the same and the offences for which the petitioner has been hauled up, nothing remains to be recovered from her and it would be travesty of justice by sending the petitioner behind the bars.

In light of this, the present petition is allowed. Petitioner-Gurpreet Kaur would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On her doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under

section 173 Cr.P.C. (challan). She shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off.

08.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No