

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

CRM-M No.14734 of 2019
Date of decision: 5th April, 2019

Harbans Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Bikramjeet S. Jatana, Advocate for the petitioner.
Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harbans Kaur in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.45 dated 02.06.2017 under Sections 354-A, 376, 120-B IPC; Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station City Budhlada, District Mansa, have been levelled by complainant Karnail Singh, father of a minor girl aged a little less than 18 years. It is alleged that the daughter of the complainant used to visit the house of the petitioner on account of close proximity between the families. It is during the course of events it is alleged that at the insistence of present petitioner Harbans Kaur, his daughter was forced to have intimate relations with Sukhchain

Singh and thereafter, accused Sukhchain Singh non-applicant had defiled the daughter of the complainant on a number of occasions leading to registration of the present case in which the petitioner was arrested on 07.12.2018.

Learned counsel for the petitioner Mr. Jatana inter alia contends that a bare perusal of the FIR does not denote any specific role to the petitioner in commission of the offence of rape and that the prosecutrix being a grown up girl had volunteered into this relationship which spanned over a long period of time, arguing further that trial is not likely to conclude in the near future.

On behalf of the State, Mr. Saurav Khurana, Dy. Advocate General, Punjab on instructions from ASI Darshan Singh, Police Station Budhlada though accedes to the factual scenario brought before this Court but has vehemently opposed the grant of bail on the grounds that the prosecutrix was two months short of being mature and therefore, having been defiled by the co-accused, the petitioner if allowed bail there is every likelihood of her stifling the trial.

Going through the submissions of the two sides, the petitioner is behind bars for more than four months. The evidence so brought to the notice of this Court does not reveal any specific role to the petitioner by virtue of which the prosecutrix has been defiled. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion

that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa. 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

April 5, 2019
rps

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