

CRM-M-15509-2019

Date of Decision : 10.04.2019

Surjit Kaur

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Prateek Pandit, Advocate
for the petitioner.Mr. A.S. Sandhu, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

The allegations against petitioner-Surjit Kaur in this regular bail application under Section 439 Cr.P.C filed in a case bearing FIR No.126 dated 12.10.2018 under Sections 323, 354-B, 376-D, 506 of the Indian Penal Code and Sections 21, 22, 29 of the NDPS Act, 1985 registered at Police Station Subhanpur District Kapurthala, have been levelled by an unmarried girl aged around 25 years. In her allegations, the prosecutrix/complainant alleges that she came in contact with one, Bholu-co-accused/non-applicant through co-accused/non-applicant-Swaran Singh and subsequently, it is alleged that the accused had hooked her to drugs and on 10.10.2018, the accused/non-applicant-Shiri @ Jasvir Singh who happens to be grandson of the present petitioner, at around 9:30 PM called the complainant outside the place where a DJ was being played and then took the complainant to the fields where she was defiled by the

accused comprising Lakhvir Singh, Sonu and four others who are unnamed. The allegations against the petitioner are that when the complainant brought this incident to the notice of the present petitioner, she has abused her and turned her out of the house leading to the arrest of the petitioner on 15.10.2018.

Learned counsel for the petitioner submits that a bare perusal of the allegations and the evidence collected during the investigations does not spell out any specific role to the petitioner in the commission of offence. It is further argued that the petitioner is a senior citizen of more than 70 of age and is behind the bars since long time and co-accused-Swaran Singh has been allowed bail by this Court vide order dated 11.03.2019.

The learned State counsel, on instructions from ASI Devinder Singh, Police Station Subhanpur, District Kapurthala, does not displace the facts brought to the notice of this Court by learned counsel for the petitioner but has sought to oppose the grant of bail on the ground of seriousness of the allegations against the co-accused.

Appreciating the submissions of the two sides and a bare perusal of the stand of the State and the evidence that has been collected during the investigations, no specific role appears to have been attributed to the present petitioner who is a senior citizen and a lady. The petitioner is behind the bars for about six months, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner further in custody. Accordingly, she is ordered to be released on regular bail to the

satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

10.04.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No