

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15505 of 2019 (O&M)

Date of Decision: 09.12.2019

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...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amit Wadhwa, Advocate for
Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

CRM-35783-2019:

The application is allowed, as prayed. Statement of the prosecutrix dated 02.09.2019 (Annexure P-3) is taken on record subject to all just exceptions.

Criminal Misc. No.M-15505 of 2019:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0008 dated 10.01.2019 under Sections 376, 366, 372, 120-B IPC, Section 6 POCSO Act and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 registered at Police Station Division B, District Police Commissionerate, Amritsar.

The aforesaid FIR was registered at the behest of the victim, who is none else but the daughter of the petitioner. The victim is 8th pass. It has been alleged that the petitioner used to have disputes with her husband (father of the victim) and for to this reason, he had left her and has been living separately for the last about 8 years. The petitioner had illicit relations with many persons. The petitioner after taking money from persons used to send the victim to different persons to spend nights with them in hotels. The petitioner took Rs.6,000/- from Munish Kumar resident of Verka and sent the victim to him, who developed illicit relations with the victim without her consent. However, the victim managed to escape from his custody on 07.01.2019 and approached Navneet at Police Station 'B' Division, Amritsar, which led to registration of the present FIR.

Learned counsel for the petitioner has argued that the petitioner is the mother of the victim. The allegations against her that she facilitated commission of the offence, as mentioned in the FIR, cannot be accepted, as the prosecutrix has not supported the case of the prosecution during her examination. He has referred to the statement of the prosecutrix recorded on 02.09.2019 as PW-2 to contend that the person with whom the victim was sent by the petitioner for a consideration of Rs.5,000/- to Rs.6,000/-, was not Munish Kumar (who was present in Court at that time), rather, he was another person. Moreover, when the victim was cross-examined by counsel for the accused, she has stated that the victim had never informed the police about the incident and Munish Kumar was known to her since long. The petitioner used to restrain the victim to keep relations with Munish Kumar.

Moreover, the petitioner is in custody since 11.01.2019 and as against the 21 witnesses cited by the prosecution, only 12 witnesses have been examined so far. Thus, trial is likely to take considerable time.

Learned State counsel, on instructions from ASI Jagdish Kumar, does not dispute the custody of the petitioner and that fact that as against the 21 witnesses, only 12 witnesses have been examined so far. However, he submits that the petitioner has been booked for serious offences including Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, as she has allegedly compelled the victim to establish relations with different persons including Munish Kumar.

I have heard learned counsel for the parties.

The petitioner is in custody since 11.01.2019. The allegations against her are that she had sent the victim to Munish Kumar, who exploited her sexually. However, the victim has not supported the case of the prosecution so far as co-accused Munish Kumar is concerned. At the same time, the victim has not specifically named any other person, though she has made allegations that she was made to establish relations with different persons.

To a specific query put to learned State counsel, as regards any other similar case against the petitioner, no such case is stated to have been pending against the petitioner.

Therefore, considering the fact that as against the 21 witnesses cited by the prosecution, only 12 witnesses have been examined so far and the trial in the case will take sufficiently long time, I deem it appropriate to release her on regular bail.

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

However, it is made clear that the petitioner shall not influence any witness during the course of trial in any manner.

December 09, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No