

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-45057-2018

Date of Decision:17.01.2019

Reena Kaur (minor) through
her mother Sarabjit Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Satya Vir Singh Yadav, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. G.S. Sandhu, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439(2) Cr.P.C. is for cancellation of bail granted to respondent No.2 by this Court in CRM-M-9916-2018, decided on 28.05.2018 in FIR No.233 dated 20.11.2017 under Sections 354-B, 342, 506, 323 IPC and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Lines, Bathinda, District Bathinda.

Learned counsel for the petitioner states that the present petition has been filed through legal aid counsel. Respondent No.2 against whom the aforesaid FIR has been registered, is harassing the petitioner on one pretext or the other and is threatening her to compromise the matter, otherwise the petitioner will be eliminated. After the grant of bail, the petitioner is continuously harassing the petitioner, for which an application

was moved before the Judge, Special Court, Bathinda, wherein the following order was passed on 28.08.2018:-

“File taken up today on the application moved by prosecutrix through counsel Mrs. Amardeep Kaur Retainer Front Office Bathinda, Legal Service Authority, Bathinda on the averments that prosecutrix is aged about 17 years. Accused was admitted on bail in view of the order of Hon'ble High Court. Now accused is roaming in the locality of the applicant. On the way to school he used to stop her and threatening her with dire consequences. She has danger to her life and liberty. Regarding this she also made statement in the court. The prosecutrix, who is minor is required proper protection. Accordingly, Senior Superintendent of Police, Bathinda, is directed to provide her necessary security, so that accused is not able to cause her any damage. Copy of order be sent to Senior Superintendent of Police, Bathinda. These papers be attached with the main file.”

He states that as respondent No.2 is harassing/threatening the petitioner, the bail granted to him by this Court is liable to be cancelled.

Learned State Counsel on instructions from HC Jagdev Singh states that in the aforesaid FIR, trial is at advanced stage. There are total 08 witnesses as cited by the prosecution, out of which, 02 witnesses have been given up and the remaining 06 witnesses have already been examined. The case is now fixed for defence evidence.

I have heard learned counsel for the parties.

Considering the fact that the trial in the case is at advanced stage and all the prosecution witnesses have been examined, prayer of the petitioner for cancellation of bail granted to respondent No.2, is hereby declined.

However, at the same time, Senior Superintendent of Police, Bathinda, is directed to extend necessary protection to the petitioner so that no harm is caused to the petitioner at the hands of respondent No.2. For this reason, the petitioner is directed to submit a fresh representation to the Senior Superintendent of Police, Bathinda, who shall act in accordance with law and shall ensure that no harm is caused to the petitioner at the hands of respondent No.2.

The present petition stands disposed of accordingly.

January 17, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No