

230.

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

CRM-M-25320-2019

Date of decision:04.07.2019

NINDERPAL KAUR ALIAS HARJINDER KAUR ... Petitioner

versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.53 dated 13.04.2019 (date wrongly mentioned as 13.11.2018 in the petition) registered under Sections 363, 365, 366-A of IPC at Police Station Boha, District Mansa.

The aforesaid FIR was registered at the behest of Veerpal Kaur with the allegation that her minor daughter, aged about 11 years, was kidnapped by her maternal aunt-Harpal Kaur and the petitioner, on the pretext of help in marriage function, but on the next day, the complainant found that there was no such function at the aunt's house. However, when the complainant tried to contact the petitioner and Harpal Kaur, there was no reply.

Counsel for the petitioner has argued that the date of incident is 10.04.2019 and the FIR was registered on 13.04.2019, but Khushdeep Kaur, the victim in the case, was recovered on 14.04.2019.

Learned State counsel has argued that though the victim was recovered in the case on 14.04.2019, but she was kidnapped by the petitioner in connivance with Harpal Kaur, the other co-accused, on 10.04.2019. The victim, being 11 years of age, the offence is serious against the petitioner. The petitioner is not entitled for the concession of bail.

I have heard learned counsel for the parties.

Considering the fact that Harpal Kaur is real massi of Veerpal Kaur, which relation falls in close relationship and it is because of this relationship, the possibility of Khushdeep Kaur having taken away by her, cannot be ruled out. Accordingly, the culpability of the petitioner is yet to be proved in the case. The petitioner is in custody since 13.04.2019 and the trial in the case will take long time. Thus, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

04.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No