

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210(1)

CRM-M-25683-2019

Satbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

210(2)

CRM-M-27849-2019

Binder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision:18.10.2019

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

**Present: Mr. Vikrant Rana, Advocate,
for the petitioner in CRM-M-25683-2019.**

**Mr. Munish Gulati, Advocate,
for the petitioner in CRM-M-27849-2019.**

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

This order shall dispose of CRM-M-25683-2019 (Satbir Singh Versus State of Punjab) and CRM-M-27849-2019 (Binder Kaur Versus State of Punjab).

Prayer in both these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners-Satbir Singh and Binder Kaur in FIR No.56 dated 30.03.2019 under Sections 365, 366-A, 120-B IPC, 1860 (the offences punishable under Section 376 IPC and Sections 3 & 4 of the

Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station City South, District Moga.

The aforesaid FIR was registered at the behest of Puntí Devi, who is mother of the prosecutrix, with the allegation that about one month back petitioner-Binder Kaur wife of Buta Singh and co-accused Gurmeet Kaur @ Khari wife of Sukhdev Singh have met the complainant and her daughter opposite to the Civil Hospital, Moga. They were known to the complainant and her daughter as they were also working in Orchestra. Petitioner-Binder Kaur asked the complainant to send her daughter Pooja for some programme as the marriage season was going on for which the complainant agreed to send her daughter with them. Thereafter, petitioner-Binder Kaur and co-accused Gurmeet Kaur @ Khari took her daughter with them with an assurance that they will leave Pooja in the village after 2/3 days. The complainant returned to her village. However, when her daughter has not returned back after three days, the complainant contacted her daughter and then petitioner-Binder Kaur and co-accused Gurmeet Kaur @ Khari told her that Pooja has been sent to Haryana for some programme. On enquiry about her daughter after number of times, neither she received any satisfactory reply nor they permitted the complainant to talk with the prosecutrix. On enquiry, she(complainant) came to know that petitioner-Binder Kaur and co-accused in connivance with Aneesh Kumar son of Satbir Singh have allured her daughter to work in Orchestra and sold her to Aneesh Kumar and she(Pooja) has been kept in Haryana State.

Learned counsel for the petitioner in CRM-M-27849-2019 has argued that so far as allegations against petitioner-Binder Kaur are concerned, the allegations are at par with Gurmeet Kaur @ Khari, who has

been admitted on anticipatory bail in a separate petition i.e. CRM-M-21166-2019. He has further argued that in fact Pooja, the alleged prosecutrix has solemnized marriage with Aneesh Kumar and she stayed with him for about one month, therefore, the allegations that the petitioner has facilitated the sale of daughter of the complainant in any manner, is totally false. He states that the petitioner is in custody since 30.03.2019.

Similarly, learned counsel for the petitioner-Satbir Singh in CRM-M-25683-2019 has argued that the petitioner has been arrayed as an accused in the case during the course of investigation for the reason that he is father of Aneesh Kumar and has arranged money for Aneesh Kumar, so that he can solemnize marriage with Pooja. He further states that the petitioner is in custody since 31.03.2019.

Learned State Counsel, on instructions from SI Balvir Singh, does not dispute the custody period. However, he states that the prosecutrix was aged about 16 years and the petitioners have facilitated allurement by Aneesh Kumar. The offence is serious as she(Pooja) remained in custody of Aneesh Kumar for about one month, where she was sexually exploited by him and the factum of marriage can only be established during the course of trial.

Heard learned counsel for the parties.

Admittedly, petitioner-Satbir Singh is in custody since 31.03.2019, whereas petitioner-Binder Kaur is in custody since 30.03.2019. Moreover, co-accused Gurmeet Kaur @ Khari has been admitted on anticipatory bail in a separate petition i.e. CRM-M-21166-2019. The allegations against petitioner-Binder Kaur are at par with that of Gurmeet Kaur @ Khari. Similarly, there is no direct allegation against petitioner-

Satbir Singh and he has been arrayed as an accused in the case for the simple reason that he is father of Aneesh Kumar and has arranged money for Aneesh Kumar, so that he can solemnize marriage with Pooja. The culpability of the petitioner(s) is yet to be established during the course of trial. Trial in the case is not likely to be concluded in the near future, therefore, this Court deems it appropriate to admit the petitioners on regular bail.

Accordingly, both the petitions are allowed and the petitioner-Satbir Singh and Binder Kaur are admitted on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

October 18, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No