

213.

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

CRM-M-29941-2019

Date of decision:22.07.2019

KARAMJIT KAUR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, 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, pending trial, in case FIR No.20 dated 06.02.2019 registered under Sections 376, 506, 120-B of IPC at Police Station Sangat, District Bathinda.

Petitioner is the wife of Makhan Singh against whom there are allegations of commission of rape. The FIR was registered at the behest of the prosecutrix with the allegation that Makhan Singh, the co-accused, visited her house and asked her parents that today i.e. 03.02.2019 his wife Karamjit Kaur (petitioner herein) is alone at house who remains ill and the prosecutrix be sent to his (Makhan's) house so as to sleep with the petitioner. Reposing faith in the statement of Makhan Singh, the parents of the prosecutrix sent her with Makhan Singh. At about 1.30 AM when the prosecutrix was sleeping and Makhan Singh and petitioner were also

doing bad activities. Though the prosecutrix tried to make noise and refused Makhan Singh for such attempt, but the petitioner also joined Makhan Singh and came to the prosecutrix. She hold her arms forcibly and without her consent, removed her clothes and helped Makhan Singh in committing rape.

Counsel for the petitioner states that the alleged occurrence took place on 03.02.2019, whereas the present FIR was registered on 06.02.2019. Petitioner is in custody since 22.02.2019. The allegation against the petitioner is that she has helped her husband to commit rape upon the prosecutrix. He further states that no wife would help her husband to commit such like offence.

Learned State counsel, on instructions from HC Ranjeet Singh, states that the allegations against the petitioner are serious as she facilitated her husband to commit heinous crime of rape upon the prosecutrix. He further states that the FSL report in the case is yet to be received.

I have heard learned counsel for the parties.

Petitioner is in custody since 22.02.2019 and in the absence of any medical evidence as FSL report in the case has not been received so far, this Court finds that the culpability of the petitioner is yet to be established during the trial. Moreover, no witness has been examined in the case so far and trial will take long time. Petitioner is wife of the co-accused Makhan Singh. Generally, no wife would allow her husband to commit such crime in her presence.

Taking into consideration the custody of the petitioner and the fact that culpability of the petitioner is yet to be established, 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

22.07.2019
sanjeev

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