

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-31998-2019

Date of Decision:17.09.2019

Meenu

.....Petitioner

Versus

The State of Punjab

.....Respondent

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

Present: Mr. Surinder Sharma, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.43 dated 11.03.2018 under Sections 366, 376, 34 IPC, 1860 and Sections 3 & 4 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Rama Mandi, Jalandhar.

Learned counsel for the petitioner has argued that neither in the FIR nor the victim in her statement while appearing as PW1 has made any allegation against the petitioner that she ever contributed in any manner in the offence. It is only in the statement under Section 164 Cr.P.C., the victim has named the petitioner and that too for the reason that the petitioner is not in talking terms with the mother of the victim. The petitioner and mother of

the victim are real sisters. Petitioner is in custody since 01.09.2018 and trial

in the case is not likely to be concluded in the near future as only 02 witnesses have been examined, whereas prosecution has cited 15 PWs.

Learned State Counsel, on instructions from HC Daljinder Lal, does not dispute the custody period, and states that as against total 15 witnesses cited by the prosecution, only 02 witnesses have been examined. However, he states that the victim has named the petitioner in her statement under Section 164 Cr.P.C. and this is sufficient to establish her involvement in the offence.

Heard learned counsel for the parties.

In the FIR as well as statement of PW1-victim, no specific role has been attributed to the petitioner that she ever sold the victim to Priya. It is only in the statement under Section 164 Cr.P.C., such allegation has been made against the petitioner. At this stage, this Court finds that culpability of the petitioner in the crime is yet to be established. Petitioner is in custody since 01.09.2018 and out of total 15 witnesses cited by the prosecution, only 02 witnesses have been examined so far. Trial in the case is not likely to be concluded in the near future. Therefore, 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 furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

However, 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.

It is made clear that the petitioner shall not extend any threat

and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

September 17, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No