

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

CRM-M-43305 of 2019.

Decided on:- December 04, 2019.

Aarti.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., 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.309 dated 28.09.2018 under Sections 323, 325, 376 and 511 read with Section 34 IPC as well as Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (Section 302 IPC added later on) registered at Police Station Shimlapuri, Ludhiana City, District Ludhiana.

The aforesaid FIR was registered at the instance of Jai Raj, who is brother of the petitioner. As per the FIR, the petitioner was married with Deepak about 13 years back. The deceased Pari was daughter of the petitioner. The allegations against the petitioner are that she without taking divorce from her husband Deepak, started living with co-accused Amit Kumar @ Kaka without performing marriage with him. She started living at House No.138, Street No.2, Mauji Colony, near Baba Mukand Singh Senior Secondary School, Daba, Ludhiana. On 25.09.2018, the petitioner had sent

her daughter Pari to the school and she (petitioner) herself had gone for work. Co-accused Amit, who allegedly had illicit relations with the petitioner was alone at home and when Pari had returned from her school to home, Amit closed the door from inside, gave beatings to Pari with sticks and attempted to commit wrong act with her, as a result of which Pari fell unconscious. The land owner telephonically informed the petitioner about the incident and instead of proceeding against the co-accused Amit, the petitioner concealed the crime. Pari was taken to the hospital, where she died. Thus, the precise allegation against the petitioner is that she had tried to conceal the crime in order to help co-accused Amit.

Learned counsel for the petitioner has argued that there is no allegation against the petitioner that she helped the main accused Amit in any manner in commission of the crime. In fact, she had appeared in the scene after the incident had already taken place. She is in custody since 28.09.2018. The deceased was none else but her own daughter and she would not going to be benefitted from the death of her daughter Pari. Though the complainant has been examined in the case, but the other prosecution witnesses are yet to be examined. In this manner, the trial in the case is not likely to be concluded in the near future.

Learned State counsel does not dispute the custody and the fact that the complainant has been examined in the case. He states that there are 21 witnesses cited by the prosecution out of which 10 witnesses have already been examined by the prosecution and 4 witnesses have been given up. He, however, states that the petitioner was maintaining illicit relations with co-accused Amit and it is Amit, who had committed the extreme offence. The

petitioner had tried to help the co-accused while concealing the incident. In fact, the petitioner was required to inform the police about the incident, but she did not inform the police. In this manner, she had helped co-accused Amit, who committed the offence.

I have heard learned counsel for the parties.

The petitioner is in custody since 28.09.2018. The complainant in the case has statedly been examined. There are 21 witnesses cited by the prosecution out of which 10 witnesses have been examined by the prosecution and 4 witnesses have been given up. Taking into consideration the fact that the role attributed to the petitioner is after the incident having been already taken place, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 04, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No