

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43603 of 2019 (O&M)
Date of decision : November 29, 2019

Sonia @ Kalo and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Munish Puri, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

Petitioners Sonia alias Kalo and Reva Devi alias Bhukho who are matured married sisters of principal accused Bhola Singh have sought anticipatory bail in this case bearing FIR No. 30 dated 27.11.2018 under Sections 363, 366-A, 120-B IPC Section 376 IPC added lateron, Police Station Narot Jaimal Singh, District Pathankot.

The brief allegations against accused have come about from Tilak Raj father of a minor girl then aged around 17 years, a student of 12th class. It is alleged that on 23.11.2018 around 11.00

AM in the morning, the victim daughter of the complainant went for some work but did not return and suspecting role of the accused Bhola Singh with whom victim is stated to have an acquaintance, the present case was got registered. It was on 16.12.2018, the girl was recovered from the possession of accused Bhola Singh and the latter managed to escape and her statement under Section 164 Cr.P.C. was recorded by learned Judicial Magistrate Ist Class on 17.12.2018.

Learned counsel for the petitioners inter-alia contends that the petitioners are mature married sisters of the principal accused Bhola Singh who are residing at far off places and there is no specific role pointing towards the petitioners in the statement of the girl under Section 164 Cr.P.C. and has sought to hammer home the point that it was a consensual relationship between the boy and the girl for which the family members/relatives cannot be held accountable for.

Learned State counsel has sought to oppose the bail on the grounds of heinousness of the offence and seriousness of the allegations arguing that if allowed bail, the petitioners might stifle the trial.

Going through the submissions of the two sides the FIR

has come about on mere suspicion. Admittedly, the petitioners are elder married sisters of the principal accused Bhola Singh and who both are residing at far off places nor in the statement under Section 164 Cr.P.C. of the victim any role is attributed to the petitioners for the commission of the offence. Even otherwise what is evident before this Court, there is no telltale sign of defilement of the victim by the principal accused as even the report of the Chemical Examiner rules out presence of spermatozoa. As has often come across to his Court that in such sensitive matters it is endeavour of the complainant side to rope in as many persons for the motivated cause. Sending the petitioners behind the bars would be traversery of justice.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

November 29, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No