

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45524-2019 (O&M)
Date of Decision:- 3.12.2019

Satvir Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by HC Sukh Ram.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Satvir Kaur has approached this Court seeking grant of regular bail in a case registered vide FIR No.82, dated 2.5.2019, registered at Police Station Canal Colony, Bathinda, under Sections 376, 323, 506, 120-B IPC and Sections 3 and 4 of POCSO Act.
2. The FIR was lodged at the instance of the victim aged about 15 years wherein it has been alleged that on 29.4.2019 Satvir Kaur called on her mother's cellphone and told her to go to Bargari to meet Jassi who will get the marriage solemnized. Satvir Kaur is stated to be friend of victim's maternal uncle's daughter. Upon receiving the aforesaid message from Satvir Kaur the complainant went to Bargari but Jassi was not there and when she rang up Jassi, he informed that

he is presently in Haryana. Complainant has stated therein that she and Jassi are friends since the last about 2 months. Later Satvir Kaur also reached Bargari and told her that she will send one boy namely Vicky. Said Vicky came there and took the victim on a motorcycle towards Giddarbaha main road and later took her to a room where he started misbehaving with her. However, he administered something to the victim mixed with water and after consuming the same she became senseless. It is alleged that said Vicky thereafter removed her clothes and committed forcibly sexual intercourse with her without her permission. Later when she regained consciousness she found herself locked in a room which she managed to open with the help of a screw driver and escaped from the hotel. Later she again met Satvir Kaur who took her to her own house. On the next day, she was taken to Sanjivini Hospital, Bathinda where Satvir Kaur was working and later in the evening she was taken to a hotel room where Vikram was present who again started misbehaving with her and also sexually assaulted her forcibly. It is further alleged that on 1.5.2019 Satvir Kaur again came there and took her from Star hotel to Sanjivini Hospital and later she was taken to Qila Mubarak where her parents and other members of family came to meet her to whom she narrated about the entire incident.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is co-accused Vicky against whom the allegations of rape have been levelled. It has further been submitted that in any case the petitioner

has been behind bars since the last about 7 months and as such deserves the concession of bail.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner had played a pivotal role in the occurrence and had facilitated the commission of crime, no case for grant of bail is made out. It has however been informed that till date not even a single PW has been examined.
5. I have considered rival submissions addressed before this Court. Bearing in mind the fact that the petitioner is a lady and has been behind bars since the last about 7 months and that the trial has not commenced so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Satvir Kaur is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

December 3, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No