

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

CRM-M No.55715 of 2018
Date of decision: 29th March, 2019

Ramandeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.S. Rai, Advocate for the petitioner.

Mr. Saurav Khurana, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Present petitioner Ramandeep Kaur who is in judicial custody since 17.08.2018 in case bearing FIR No.32 dated 14.03.2018 under Sections 363, 366-A, 376, 506, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Arniwala, District Fazilka, has moved this first regular bail application under Section 439 Cr.P.C.

The facts as have been detailed before this Court are that the present case was got registered on the statement of Resham Singh, father of the victim, a girl aged around 14 years alleging that on 11.03.2018 while attending a marriage ceremony, he discovered around 10:00 p.m. the same very day, his daughter had gone missing. The girl was thereafter recovered on 13.03.2018 and on her statement that she was taken away

by principal accused non-applicant Kala Singh and subsequently it transpired that the petitioner Ramandeep Kaur along with her husband non-applicant Amandeep Singh had enticed and taken the girl on their motor bike.

Learned counsel for the petitioner Mr. M.S. Rai, Advocate inter alia contends that the petitioner is behind bars for almost seven-and-a-half months and that similarly placed co-accused husband Amandeep Singh has been allowed bail by the Court of learned Sessions Judge, Fazilka vide orders dated 18.03.2019 and has placed on record copy of the same, arguing further that even by the principle of parity, the petitioner is entitled to grant of this relief as there is no specific allegation qua the petitioner except that in a belated subsequent stand of the victim she claims that the husband and the wife (the present petitioner) had threatened her.

Though the facts as detailed by the learned counsel for the petitioner have not been displaced by learned State counsel on instructions from ASI Iqbal Singh, Police Station Arniwala, District Fazilka but has sought to oppose the bail on the grounds that the medical evidence of the girl is corroborative of sexual abuse of the minor by the principal accused and in view of the heinousness of the offence and seriousness of allegations disentitles the petitioner to any relief.

In the light of what has been detailed and discussed before this Court, there is no specific role except that the petitioner couple had

threatened the girl and since the principal accused is yet to be arrested and that the co-accused husband Amandeep Singh has been allowed bail, whereas the petitioner is in custody since a long time coupled with the fact that culpability, if any, shall be determined at the trial and there is every likelihood that the investigation and trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Fazilka. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 29, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No