

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

205

**CRM-M-2858-2019
Date of decision: 07.10.2020**

Sonia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.P.S. Duggall, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.24 dated 24.01.2018 registered under Sections 376, 372, 373, 370-A and 354 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Ferozepur, District Ferozepur.

The above said FIR was registered on statement of the prosecutrix who alleged that she was studying in 6th Class at Basti Nizamdin Wali. Her neighbour Beero @ Manjit Kaur used to visit her house. Accused Beero @ Manjit Kaur introduced her to her landlord who committed rape upon her and gave Rs.1,000/- to Beero @ Manjit Kaur who gave Rs.600/- to her and asked her not to talk with anyone

about the same. Thereafter Beero @ Manjit Kaur tried to introduce the prosecutrix with Jinda and allured her that she would get her more money from him but the prosecutrix refused to do so. Whenever she went to the shop, Jinda used to harass her sexually. On 01.01.2018, Beero @ Manjit Kaur called the prosecutrix to her house and took her to the house of accused Sonia where Beero @ Manjit Kaur asked Sonia that marriage of the prosecutrix be solemnized at Rajasthan on which Sonia replied in the affirmative and said that handsome amount would be received. Thereafter on 07.01.2018, Beero @ Manjit Kaur took the prosecutrix to the house of Sonia where she remained for three days and then on 10.01.2018 Sonia took her to Faridkot in a vehicle. Anil brother of Sonia was also with them. The vehicle was being driven by some other person. They took the prosecutrix to Sirsa where they solemnized her marriage with a person of the age of 30 years. Sonia asked the prosecutrix to live there for two years saying that on opportunity they would take her back from there. On hearing the same the prosecutrix got scared that they were selling her and in the afternoon escaped, reached nearby Dhani and disclosed that she had been sold by Sonia. Pursuant to registration of FIR, the police investigated the case exonerated Jinda and Gurmeet Singh, arrested Beero @ Manjit Kaur, Sonia (the petitioner), Subhash, Anil and Robert and filed separate charge-sheets against them.

The petitioner, who is in custody since the date of her arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel in terms of status report filed by way of affidavit of Surinder Pal, PPS,

Deputy Superintendent of Police (City), Ferozepur.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. As per the allegations made in the FIR role of the petitioner was that of mediator in the marriage whereas Beero @ Manjit Kaur had taken the prosecutrix for monetary consideration to various persons who sexually exploited her. The prosecutrix turned hostile and did not support the case of the prosecution at the time of her examination as PW-3. Co-accused Subhash has already been granted bail by this Court vide order dated 27.09.2018 and co-accused Beero @ Manjit Kaur has been granted bail by learned Sessions Judge, Ferozepur vide order dated 24.05.2018. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having sold the prosecutrix and to have committed heinous crime. In view of nature of accusation and gravity of the offences alleged, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation, statement of the prosecutrix who did not support the case of the prosecution, parity with co-accused Subhash, with whom marriage of the prosecutrix was solemnized, who has been granted bail

by this Court vide order dated 27.09.2018 and Beero @ Manjit Kaur who has been granted bail by the learned trial Court vide order dated 24.05.2018 and the fact that the disposal of the case is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No