

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

CRM-M-14260-2020 (O&M)
Date of Decision:- 28.9.2020

Manpreet Kaur @ Baggo

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.188 dated 22.7.2019 under Sections 376/542/506/120-B IPC and Section 4 of POCSO Act, 2012 at Police Station Jandiala Guru, District Amritsar.
2. The FIR was registered at the instance of Kulwant Singh wherein it has been alleged that since he is a poor person, he could not afford to get a water-pump installed in his house and on account of which his children used to fetch water from the neighbouring house. It is alleged that on 12.7.2019, the complainant's daughter aged 14 ½ years had gone to their neighbour's house i.e. of Ajit Singh to fetch water where Ajit Singh's married daughter namely Banti was present. It is alleged that Hardev Singh @ Sunny, who was their neighbour was also present there and that shortly thereafter Banti went out of the house. While leaving complainant's daughter in her home, she closed

the outer gate of the house and signalled Hardev Singh to have physical relations with the complainant's daughter. It is alleged that when the complainant and his wife returned back from home, they saw their daughter weeping and who narrated the entire incident to them. However, in order to maintain their social respect, they did not immediately disclose the matter to anyone. Hardev Singh, however, started blackmailing complainant's daughter, and although the matter was also reported to the village Panchayat where a compromise was effected but to no avail.

3. The learned counsel for the petitioner has submitted that the petitioner who is a lady has falsely been implicated in the present case and infact she had delivered a child on 4.6.2019 and as such it could hardly be accepted that she could have been party to the alleged rape. It has further been submitted that the petitioner, in any case, has been behind bars since the last more than 7 months and as such deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that the conduct of the petitioner does not warrant her release on bail as she was earlier declared a proclaimed offender. The learned State counsel has, however, admitted that the petitioner has indeed been behind bars since the last more than 7 months. The learned State counsel has also informed that co-accused Hardev Sing has not been arrested.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the nature of allegations and the fact that the petitioner is a lady, who is stated to have delivered a child on 4.6.2019, who is stated to be in jail alongwith the petitioner and also bearing in mind the fact that the

petitioner has been in custody since the last more than 7 months, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner 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.

28.9.2020

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No