

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

211

CRM-M-15936-2020

Date of Decision:06.07.2020

Lucky Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Ajit Singh, Advocate,
for the petitioner.**

Mr. Amit Mehta, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.200 dated 17.11.2019 under Sections 376, 511, 354, 120-B IPC of 1860 and Section 4 of the Prevention of Children from Sexual Offences Act, 2012(added later on), registered at Police Station City Samana, District Patiala.

As per FIR, the allegations against the petitioner are that on 16.11.2019, petitioner along with other-co-accused Chand Singh have hatched a criminal conspiracy and agreed to do the illegal act and in pursuance thereof, Chand Singh committed sexual assault with the prosecutrix, who is minor niece of the complainant, aged about 7½ years.

The petitioner and her husband were present in the back room and when the complainant opened the door of the house, he found his niece in half-naked

condition along with co-accused Chand Singh.

Learned counsel for the petitioner contends that the allegations of committing sexually assault, if any, are against co-accused Chand Singh. Petitioner is Bhabhi of Chand Singh. She is in custody since 19.11.2019 and there being no allegation against the petitioner and she is Bhabhi of main accused Chand Singh, petitioner deserves to be admitted on bail.

Learned State Counsel does not dispute the custody period and the allegations against the petitioner.

Heard learned counsel for the parties.

Petitioner is in custody since 16.11.2019. The main allegations are against co-accused Chand Singh, who has committed sexual assault with the prosecutrix, aged about 7 ½ years. Trial in the case is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

July 06, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No