

(Through Video Conferencing)

CRM-M-24200-2020

Date of decision: 28.8.2020

Kulwinder Kaur @ Gagan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.145 dated 11.7.2020 registered under Sections 363/366-A IPC, Sections 370, 372, 373, 376 IPC, Sections 3 and 4 of POCSO Act, 2012 & Section 75 of Justice Juvenile Act, 2005 added vide DDR No.28 dated 16.7.2020, Police Station Canal Colony, Bathinda, District Bathinda.

It is contended that the petitioner had been granted divorce from her husband and two daughters were staying with father and one daughter was staying with the present petitioner. The daughter eloped and since she did not know about her whereabouts, the petitioner got registered an FIR. However, the father who was holding grudge against the petitioner came and took the girl away and got her statement recorded under Section 164 Cr.P.C. before the Magistrate. The girl, however, made allegations against her mother that it was she who had forced to indulge in such activities. Thereby, DDR was registered against the petitioner in the same FIR.

Be that as it may, it is not disputed that as on date, the daughter of the petitioner (girl in question) is residing with her grand mother i.e. Nani. Meaning thereby, she is not residing with her father any more, which in itself reflects doubt on the statement recorded earlier. The petitioner has accordingly moved subsequent application for getting the statement of the girl recorded afresh under Section 164 Cr.P.C. as the earlier statement was allegedly made under the influence of the father. In any case, without going into the merits of the case, this Court finds that a case is made out for granting of bail to the petitioner at this stage.

In view of the facts and circumstances of the case, the present petition is allowed and the petitioner is released on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

(NIRMALJIT KAUR)
JUDGE

28.8.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No