

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

**CRM-M-34270 of 2020 (O&M)
DATE OF DECISION : 04.11.2020**

Simarjit Kaur @ Poonam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Hitesh Verma, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. This is a petition for grant of regular bail in FIR No.71 dated 16.04.2019 under Sections 363/366-A/370/372/373/376/120-B IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956, registered at Police Station Canal Colony, Bathinda, District Bathinda.

2. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case. He further submits that petitioner is in custody since 17.04.2019. Petitioner is mother of five minor children, who are presently being looked after by her husband. They need proper care and attention of mother in the current pandemic scenario. He further submits that similarly situated co-accused Shilpi @ Kajal has been granted concession of regular bail by this Court vide order dated 05.10.2020 passed in CRM-M-2367 of 2020 and on the ground of parity, petitioner is also entitled to the same relief. He further submits that investigation in the case is complete and challan has been presented, but there is no headway in the trial due to Covid-

19 pandemic where the Courts are working with restrictions and taking up only urgent matters.

3. On the other hand, learned State counsel opposes the bail plea. He argues that there are serious allegations against the petitioner. He, however, admits that presently there is no headway in the trial due to pandemic and does not controvert that similarly situated co-accused has already been released on bail.

4. Having heard learned counsel for the petitioner and learned State counsel, I am of the opinion that no useful purpose would be served by keeping the petitioner in further preventive custody. Investigation is already complete. Challan has been presented. The petitioner is stated to be in custody since 17.04.2019. Her minor children require special care and attention of their mother during these days of pandemic, caused by Covid-19 virus. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. That apart, on the ground of parity also, the petitioner is entitled to concession of bail.

5. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of her bail.

(ARUN MONGA)
JUDGE

November 04, 2020
Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No