

CRM-M-40947-2020

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

CRM-M-40947-2020

Date of decision: 11.12.2020

Khushbu Devi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jagjit Singh, Advocate,
for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Deputy Superintendent, Central Jail, Amritsar, has been filed through e-mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.55 dated 01.08.2020, registered at Police Station Dhilwan, District Kapurthala, under Sections 363, 366-A, 120-B and 376(added subsequently) of the Indian Penal Code and Sections 4 and 8 of the POCSO Act, 2012.

Learned counsel for the petitioner submits that as per the FIR lodged by the father of the victim, she had left the house of her own and gone to Bihar with co-accused, Anil Kumar, where they had performed the marriage. Ultimately, Anil Kumar was arrested and has been in custody.

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There is no direct or indirect evidence against the petitioner to connect her with the crime. The petitioner has been in custody for the last more than 03 months.

Learned State counsel while opposing the prayer made in the present petition submits that the victim, who is a minor, had been taken to Bihar by co-accused, Anil Kumar, who suffered a disclosure statement that the petitioner had actively participated in the crime. However, the learned State counsel does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

As per the prosecution version, the victim had left the house of her own and gone to Bihar with co-accused, Anil Kumar, where they had performed the marriage. The only allegation against the present petitioner is that she had allured the victim, who is a minor girl.

The petitioner, who is having a minor child, has been in custody since 14.08.2020. No witness has been examined so far, as stated. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

11.12.2020

Jyoti-iv

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No