

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

CRM-M No.82 of 2020 (O&M)
Date of Decision: 20.04.2021

Sukhwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anandeshwar Gautam, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.230 dated 01.11.2019 registered under Sections 363, 366-A, 120-B IPC (offence under Section 376 IPC has been added lateron) at Police Station Dharamkot, District Moga.

Petitioner is the massi of Gurprem Singh who married to the daughter of the complainant. After the marriage, Gurprem Singh and Rubina Kumari (minor) filed CWP No.31804 of 2019, which was dismissed by the High Court vide order dated 08.11.2019. It was observed by the High Court that at the time of

hearing, parents of Rubina Kumari were also arrayed as respondents No.4 and 5 in the aforesaid petition and Rubina Kumari was also produced by the police. Upon a query from the Court, Rubina Kumari stated that she would like to return her parental house. The Court also observed that it was not the case of the petitioners therein that they entered into any wedlock after she left her parental house and thereafter, Gurprem Singh was not the legal guardian of Rubina Kumari and she has to return to her parent house with her legal guardian. The writ petition was dismissed, leaving the parents to take appropriate action upon the FIR already registered against Gurprem Singh in accordance with law.

Learned counsel for the petitioner submits that the alleged complicity of the petitioner is only to the extent that the prosecutrix/victim in her statement under Section 161 Cr.P.C. leveled allegations against the petitioner by stating that Gurprem Singh took her to the house of his relatives at Moga, where mother of the co-accused Jaswinder Kaur and his massi (petitioner) and other relatives were present. Gurprem Singh kept in her house of the petitioner for two days and committed the offence. Thereafter, all the accused took her to Chandigarh and kept her in the house of their relatives.

The complicity of the petitioner is only to the extent of accompanying the co-accused to Chandigarh as well as by keeping Gurprem Singh and the victim in her house.

Notice of motion was issued on 07.01.2020.

Learned State counsel on instructions from ASI Nirmal Singh stated that the petitioner has joined the investigation in pursuance of order dated 07.01.2020 and she is not required for any further investigation in the case.

In view of aforesaid factual position, the interim order dated 07.01.2020 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and she shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

20.04.2021

Prince

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No