

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

CRM-M-5385-2021 (O&M)

Date of Decision: 12.03.2021

Swarna Devi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Surmeet S Sandhu, Advocate for the petitioner.

Mr. Randeep Khaira, AAG, Punjab.

Mr. Piyush Setia, Advocate for respondent No.2.

HARINDER SINGH SIDHU, J

Crl.M.No.7634 of 2021

Prayer is for preponement of date of hearing.

Notice of the application.

Mr. Randeep Khaira, AAG, Punjab and Mr. Piyush Setia, Advocate accept notice for respondent-State of Punjab and respondent No.2 respectively.

Heard.

Application is allowed and the case is taken up for hearing today itself.

Main case

Present petition has been filed under Section 439 seeking regular bail in case FIR No. 37 dated 22.02.2020 under Section 363, 366-A and 120-B of IPC (Sections 376 IPC and Sections 6 and 17 of POCSO Act added later on) registered at Police Station City Nawanshahr, District S.B.S. Nagar.

FIR was registered on the statement of Ramesh Kumar Shah, wherein it is alleged that he was living with his wife, three children and a sister the prosecutrix in quarters situated within the Saluja Factory. On

21.02.2020, at about 5:00 p.m. one Harnam Singh and his wife (petitioner)

came to the house of the complainant at Kariam road Nawanshar and they took away with his sister by stating that they are going for Shivratri to the temple. But they did not come back. It is also alleged that the sister of the complainant had taken Rs. 26,000/- from his house. It is alleged that the accused persons had taken the sister of the complainant by misleading her with the intention of getting her married with some unknown person.

During investigation, prosecutrix was recovered from the custody of one Ajay Kumar. Her statement was recorded by the police, wherein she stated that co-accused Ajay Kumar had solemnized marriage with her on 22.02.2020 against her wishes.

Learned counsel for the petitioner has argued that the petitioner is not connected with the alleged commission of crime. She was pregnant at the time of her arrest and gave birth to a male child, who could not be saved. It is contended that the marriage of the prosecutrix with the co-accused Ajay Kumar was with the consent of her family members. Had the marriage been performed against the wishes of the prosecutrix, there would be no reason for her being silent for about six months after marriage. The petitioner is in custody since 01.10.2020. The investigation in this case is complete. Challan Stands presented.

Without commenting anything on merits of the case and keeping in view the fact that trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, no useful purpose will be served by keeping the petitioner behind the bars till the conclusion of trial.

Accordingly, this petition is allowed. Petitioner-Swarna Devi is ordered to be released on bail on her furnishing bail and surety bonds to the

satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate/Illaqa
Magistrate concerned.

March 12, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No