

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

207

**CRM-M-7056-2021
Decided on : 21.09.2021**

Jasvir Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. A.S. Khinda, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Haryana
assisted by ASI Tarsem Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 144, dated 16.07.2020 (Annexure P-1), under Sections 363, 366-A, 120-B of IPC (added later on Section 376 of IPC and Section 4 of the POCSO Act, 2012), registered at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand only because she happens to be the mother of the main accused with whom the victim, aged 16 years, allegedly eloped on 13th July, 2020. Learned counsel further submits that the petitioner had no role to play in the crime in question, which is fortified from the fact that in her statement recorded under Section 164 Cr.P.C., the victim did not level any allegation, much less, by way of a whisper against the petitioner and in fact, she stated that she had gone with the son of the petitioner of her own accord. Further submits that the victim even refused to subject herself to any medical examination. A prayer has, therefore, been

made to extend the concession of bail to the petitioner, as she has been in custody for almost 01 year 02 months.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Tarsem Singh, has not been able to controvert the factum of no allegations having been levelled against the petitioner in the crime in question. He has rather conceded that no overt role has been attributed to the petitioner in the in the case in hand. Learned State counsel has apprised the Court that the charges already stand framed.

Heard.

In the facts and circumstances of the case as enumerated hereinabove, I deem it a fit case to extend the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2021

J.Ram

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