

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

**CRM-M-10055-2021
Date of Decision : 09.03.2021**

Kiarandeep Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Gurvir Kaur Gill, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gaurav Joshi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.196 dated 26.12.2020 under Sections 363, 366-A and 376 of the IPC and Section 4 of POCSO Act, registered at Police Station Machhiwara, District Ludhiana, Punjab.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of the father of the victim namely Nirmal Singh, it is stated that on 26.12.2020, when he was not at home, his daughter who is aged about 16 years, was enticed away by accused namely Gursewak Singh.

Learned counsel for the petitioner further submits that the only allegation against the petitioner is that she has introduced accused Gursewak Singh with the victim.

Learned counsel for the petitioner further submits that Gursewak Singh and the victim were having some affair and they wanted to marry each

other and on that pretext, the victim has left the home with Gursewak Singh and there is no allegation against the petitioner that she abetted Gursewak Singh, who committed the offence under Section 376 IPC.

Learned counsel for the petitioner further submits that the petitioner is a lady who is aged about 29 years; she has a 10 year's old child to take care of; she is not involved in any other such or similar case and has no criminal background.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 27.12.2020 and investigation qua the petitioner is complete and petitioner is no more required for any further custodial investigation.

Learned State counsel, assisted by learned counsel for the complainant, however, opposes the bail on the ground that the petitioner has played an active role and she helped Gursewak Singh to entice away the daughter of the complainant and allegations of abetment are also there against the petitioner.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the aforesaid submissions made by learned counsel for the parties and also in view of the fact that the petitioner is in judicial custody since 27.12.2020, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

09.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No