

**107+221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17015-2021 (O&M)

Date of Decision: 15.9.2021

Balveer Kaur @ Taro

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vivek K.Thakur, Advocate, for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Harveet Singh Sehgal, Legal Aid Counsel for the victim.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-27655-2021

Annexure P-4 is taken on record.

Application stands allowed.

Main case

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.23 dated 10.2.2021 under Sections 363, 366-A, 376-D and 120-B IPC and Section 6 of POCSO Act, 2012 registered at Police Station Sadar, Sri Muktsar Sahib, Punjab.

It has been contended that the present FIR has been registered on the statement of the victim on the allegation that she is 14½ of age and her date of birth is 22.8.2006. It has been alleged in the FIR that she was alone in the house on 31.1.2021, then Jagjeet Singh resident of Kaninawali came to her house and said that her Aunt is sitting outside at the turning on Mukandewala Road. She came out of the house and reached Mukand Singh

Wala Road, where Jagjeet Singh and Dhanna Singh forcibly made her to sit on the motorcycle and took her to Sadiq Chowk. It has been alleged that on the pretext to marry, Jagjeet Singh allured her and they boarded the bus to village Madhopur, where they stayed in the house of Khazan Singh for many days. It is, thereafter, alleged that Jagjeet Singh kept on committing rape with the victim and on 9.2.2021, when her father came for searching her, Khazan Singh and Jagjeet Singh forcibly took her to the house of the petitioner from where she was finally recovered. Request was made to take the legal action against the culprits.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and she had no role to play in the alleged offence. He has submitted that a bare reading of the FIR shows that after the commission of the offence, the victim was recovered from the house of the petitioner and even otherwise, he submits that Khazan Singh who has a very active role in facilitating the main offence, has been granted the concession of bail by this Court. He submits that the petitioner is the mother of three daughters and she is behind bars since 21.2.2021. He further submits that the prosecutrix has already been examined before the trial Court, though she has supported the case of the prosecution, but there cannot be said to have been any apprehension of tampering with the evidence of the material witnesses as they already stands examined.

On the other hand, learned counsel for the complainant vehemently opposes the prayer made by learned counsel for the petitioner and submits that the petitioner is equally responsible for the commission of offence, thus, do not deserve any leniency.

Learned State counsel also argued on the line of the allegations made in the FIR, however, he submits that out of total 19 prosecution witnesses, 2 witnesses have been examined including the victim.

I have heard learned counsel for the parties and perused the record.

In the overall facts and circumstances of the case, I find that the petitioner is behind bars since 21.2.2021 and co-accused-Khazan Singh is already on bail. The trial would take some time to conclude. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

15.9.2021
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No