

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

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**CRM-M-20834-2021
Decided on : 25.08.2021**

Jaswinder Kaur @ Binder Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Lupil Gupta, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sulakhan Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 14, dated 30.01.2016, registered under Section 370 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act') (Sections 376, 372, 120-B of IPC added later on), lodged at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner submits that totally false allegations have been levelled against the petitioner that she facilitated the marriage of the victim aged 15 years with one Sita Ram, who thereafter, sold her to co-accused Surjit Singh. Learned counsel submits that the petitioner has been in custody since 06th February, 2021 and similarly situated co-accused i.e. her husband, has since been extended the concession of bail by this Court vide order dated 17th April, 2018 (Annexure P-2). Learned counsel, therefore, submits that the petitioner be extended the concession of bail also.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner. He has submitted there are

serious allegations levelled against the petitioner of being an active participant in the crime in question. Learned State counsel has further submitted that the victim was sold for a sum of Rs. 50,000/- by the petitioner and the co-accused, which fact finds categorically stated by the victim in her statement recorded under Section 164 Cr.P.C. He has further submitted that vide order dated 12th April, 2021 (Annexure P-3) of trial Court, the trial *qua* the petitioner and the co-accused has now been segregated and only charges framed. Hence, the petitioner may not be extended the concession of bail, as there was every likelihood that he may tamper with vital evidence and try to influence the material witnesses to depose in her favour.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner for which she does not deserve the concession of bail. Consequently, finding no merit, the instant petition stands dismissed.

It is, however, 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

August 25, 2021

J.Ram

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