

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

Sr. No.109

CRM-M-22660-2021

Date of Decision: 09.06.2021

HARJINDER KAUR ALIAS RAJINDER KAUR

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing
in the light of COVID-19 pandemic.

This is a petition filed by the petitioner, namely,
Harjinder Kaur @ Rajinder Kaur under Section 439 Cr.P.C., thereby
making a prayer for grant of regular bail in case bearing FIR No.61
dated 24.06.2020 under Sections 376, 363, 366, 120-B IPC and
Section 4 of Protection of Children from Sexual Offences Act, 2012,
Police Station Ghuman Kalan, District Gurdaspur.

The aforesaid case was registered, at the instance of Peter
Masih s/o Prem Masih on 24.06.2020 on the allegations, that when he
along with his wife had returned back, after doing plantation of the
paddy, his daughter (prosecutrix), whose date of birth is 17.10.2002
was found missing. It appeared to him that his daughter had been
enticed away by some unknown person, with an intention to marry
her.

It was only on 27.06.2020, supplementary statement of the complainant was recorded and Lucky @ Akashdeep was specifically stated to have kidnapped his daughter, on the pretext of marriage.

The petitioner was nominated as accused, in pursuance of the statement under Section 161 Cr.P.C. got recorded by the prosecutrix, after recording of her statement under Section 164 Cr.P.C.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. In fact, there are no allegations about the petitioner to have facilitated in any manner taking away the daughter by the alleged Akashdeep Singh (petitioner's son). It was only to strengthen the version of the prosecution, on account of the prosecutrix, having not supported the prosecution version in the statement under Section 164 Cr.P.C., that she has been nominated as accused, as it is stated that she has conspired with her son, namely, Akashdeep Singh, in taking away the prosecutrix, who is daughter of the complainant. Moreover, it submitted that challan has been presented and material witnesses of the prosecution have been examined. Statements of prosecutrix has been recorded and she has not supported the prosecution version. The petitioner is in custody since 03.08.2020. As such, a prayer has been made for grant of the regular bail to the petitioner.

Notice of motion.

Ms. Samina Dhir, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State and she has not disputed the pendency of the trial. On instructions received from ASI Satnam Singh, learned State Counsel submits that out of 24 sited witnesses, 5 material witnesses have been examined.

The next date fixed before the trial Court is stated to be 11.06.2021.

Considering the aforesaid fact situation, as submitted by the learned counsel for the petitioner and also considering the manner of petitioner, having been nominated as accused, without prejudice to the rights of the parties to be adjudicated, at this stage, I deem it appropriate to grant the benefit of regular bail to the petitioner, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty magistrate concerned.

Accordingly, the instant petition stands allowed.

(ARCHANA PURI)
JUDGE

09.06.2021

himanshu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No