

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

CRM-M No.27751 of 2021 (O&M)

Date of Decision: 25.08.2021

(Heard through VC)

Ranjit Kaur @ Bamni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mayur Karkra, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.66 dated 31.03.2021 under Sections 363, 366-A IPC (Sections 376, 120-B IPC and Section 4 of the POCSO Act added later on) registered at Police Station Samana, District Patiala.

Counsel for the petitioner herein would argue that reading of the FIR would reflect that the same had been registered against unknown persons. It is only in subsequent statement under Section 164 Cr.P.C that the petitioner has been nominated as an accused. He would further argue that allegations of rape in fact were made against other co-accused and not against the petitioner. Even in statement of the prosecutrix before doctor, she stated that she was taken forcibly by four persons in a car to some godown at Patran and there is no mention of presence of any woman. It is only during investigation that prosecutrix had disclosed that when she

regained consciousness on 27.03.2021, one lady was sitting there, who inscribed her name on her arm as Amandeep and the petitioner herein is not said person. It is further argued that the petitioner is in custody since 06.04.2021 and the matter stands investigated, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the prosecutrix has identified the petitioner-Ranjit Kaur and therefore, she is not entitled for concession of bail.

I have heard counsel for the parties and have also gone through the statement recorded before the doctor wherein there is no mention of any woman present. Keeping in view the fact that investigation has been completed and challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case. It is made clear that the petitioner would not make any attempt to contact or threaten the complainant or the prosecutrix in any manner whatsoever and in case of any default, the respondent-State will be at liberty to move an appropriate application for cancellation of bail granted to the petitioner.

(JAISHREE THAKUR)
JUDGE

August 25, 2021

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No