

CRM-M-29900-2021

Date of Decision: 9.9.2021

Jaswinder Kaur @ Sukhwinder

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. B.S. Aulakh, Advocate, for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.184 dated 31.7.2020 under Sections 376(2)(n), 120-B IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR, which has been registered at the instance of the prosecutrix, who is none other than the sister-in-law of the petitioner in the first marriage of the prosecutrix. It has been alleged by the prosecutrix that she is divorced from the first husband Jasveer Singh and thereafter, she got married with Raja Singh. She has alleged that after the second marriage, she still used to visit the house of her first husband. In April, 2017, she has alleged that at Gurusar, she was forcibly raped by Jagdeep, who is the son of the petitioner. It was alleged that when the prosecutrix brought it to the notice of the petitioner, she asked her to keep mum and not to tell anyone. He further submits that on the basis of such false and frivolous allegations that the petitioner, who is the mother of Jagdeep helped in committing rape on the prosecutrix, the petitioner has been implicated. He submits that the petitioner is behind bars since

24.2.2021. He further submits that now the evidence of the prosecutrix has also been recorded. Though the prosecutrix has supported the case of the prosecution, but he submits that the prosecution would not have any apprehension of tampering with the evidences in case the petitioner is granted bail. He submits that the son of the petitioner is already behind bars and in the facts and circumstances of the case, the petitioner be enlarged on bail.

On the other hand, learned State counsel submits that there are in all 19 prosecution witnesses, out of these the prosecutrix has already been examined.

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

In the facts and circumstances of the case, I find that there are in all 19 prosecution witnesses, which shows that trial would take some time. The petitioner is a lady of 54 years of age and the material witness already stands examined. Learned counsel for the petitioner has made out a case for grant for regular bail. 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

9.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No