

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

CRM-M No.35372 of 2021(O&M)

Date of Decision.14.09.2021

(Heard through VC)

Parwati Devi

...Petitioner

Vs

State of Punjab

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C praying for concession of anticipatory bail in FIR No.103 dated 29.07.2021 under Sections 376-DA IPC and Section 6 of the POCSO Act registered at Police Station Simlapuri, Ludhiana.

Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that all allegations as set out in the FIR are patently false and that she had no role to play in the commission of the offence against her daughter, the prosecutrix. A perusal of the order passed by the trial Court would reflect that the instant FIR was registered on the basis of a statement given by the minor girl to her teacher that she was being abused by her brothers. Consequent to which, the matter was taken up by the Principal of the school and an FIR was got registered. It is contended that the bail of the petitioner was dismissed by the Court below on the ground that the petitioner herein did not stop the commission of offence, which according to the counsel, was not within the knowledge of the petitioner herein. It is further contended that both the sons of the petitioner have been arrested and she is ready and willing to join the investigation.

Short reply by way of affidavit of Randhir Singh, PPS, ACP, Industrial Area B, Ludhiana filed on behalf of the respondent-State is taken on record, in which it has been stated that the prosecutrix has levelled serious allegations of physical abuse at the hands of her step brothers Ajay, Binay and Suraj @ Bunti. Her step brothers Ajay, Binay and Suraj had also started preventing her from going to school and Ajay again made physical relationship with her. She became pregnant with his child and her step mother i.e. mother of Ajay, Binay and Suraj got her abortion done. Thereafter, her other two step brothers namely Binay and Suraj also sexually exploited her. She had informed her step mother but she told her to keep silent. She once again became pregnant and her step mother gave her medicine for abortion. The prosecutrix has stated that she did not want to return to house.

I have heard learned counsel for the petitioner, who has prayed for grant of anticipatory bail to the petitioner on the ground that the petitioner would have no knowledge about the abuse suffered by the prosecutrix, however, a reading of the reply filed on behalf of the respondent-State, which is based on the statement given by the prosecutrix under Section 164 Cr.P.C, would reflect that the petitioner herein, who is the step mother of the prosecutrix was well aware about the sexual abuse committed by her sons upon the prosecutrix. There are also allegations that the petitioner herein got two abortions done, one of them was done by a nurse at the instance of the petitioner herein and her sons. The allegations levelled in the FIR are very serious in nature and the investigation is at the initial stage and therefore, custodial interrogation of the petitioner would be required. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

September 14, 2021
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No