

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

**CRM-M No.46610 of 2021
Date of Decision: 11.11.2021**

Basanti Devi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Katyayni Dwevedi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.158 dated 23.09.2021 lodged under Sections 366, 376 and 120-B of the IPC, 1860, registered at Police Station Sadar, District Hoshiarpur.

Learned counsel for the petitioner submits that it was on account of some misunderstanding and differences between the prosecutrix and respondent No.3-Sandeep Kumar, who also happens to be son of the petitioner, the FIR in question came into existence. However, subsequently, the differences between the parties were ironed out and the prosecutrix solemnized marriage with the son of the petitioner.

Learned counsel while inviting attention of this Court to the allegations levelled in the FIR in question, has submitted that even otherwise the only role attributed to the petitioner is that when respondent

No.3, i.e. son of the petitioner enticed away the prosecutrix on the pretext of marriage and took her to his house, the petitioner was not only present but was well aware about her son having established physical relations with the prosecutrix.

Learned State counsel, on instructions from ASI Sewa Dass, has submitted that the matter is under investigation and there is no medical evidence on record to corroborate the allegations of forcible physical relations levelled against the son of the petitioner. Learned counsel has also fairly conceded that no other allegations have been levelled against the petitioner, except that her presence has been shown in the house when her son came to the house accompanied by the petitioner.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove and without commenting upon the merits of this case, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is 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

November 11, 2021

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