

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-3447 of 2022
Date of decision:02.02.2022

Neha @ Navjot Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ravi Kant Sharma, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.246 dated 06.12.2021 registered under Sections 363, 366, 376, 120-B of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") at Police Station Dasuya, District Hoshiarpur (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of father of 16 years old girl (hereinafter referred to as "the victim") on the allegation that on 03.12.2021, when he had gone out, he received information from his mother that the victim is

missing from home. He searched for his daughter and came to know that she had been allured by a boy, named, Rohit, on the pretext of marriage. While looking for his daughter, when he reached the house of his uncle, in village Charara, he found Neha wife of Prabhjit @ Prabh, (present petitioner), Shelly son of Jasvir and Bholli wife of Mohan, were present. , Rohit fled from the house on seeing him and when he was told that the victim had married Rohit, hot words were exchanged between him and Neha, Shelly and Bholli. He clicked some photographs on the spot and lodged the complaint.

Counsel for the petitioner contends that there is no allegation against the petitioner attracting the offence under the POCSO Act or Section 363, 366 or 376 IPC. He asserts that the victim has been recovered and her statement under Section 164 Cr.P.C, has been recorded. He submits that the petitioner, who is a young married girl of 19 years of age, is in 16th week of pregnancy, as is reflected from the Medical Report dated 28.12.2021 (Annexure P-2) given by the Medical Officer, Central Jail, Gurdaspur. He urges that the petitioner, who is in custody since 20.12.2021, deserves to be released on bail so that she can get proper care and attention during her pregnancy.

Per contra, upon instructions from ASI Daljit Singh, State counsel has opposed the petition and submitted that in the statement of the victim recorded under Section 164 Cr.P.C, she has stated that she has left her home of her own volition. Upon further instructions, he submits that there are 04 accused, out of which 03 have been arrested and investigation

is complete, challan has been prepared but is under checking.

I have considered the respective submissions of counsel for the parties.

The challan is yet to be presented, though the investigation is complete. The petitioner is in the second trimester of pregnancy and her detention in prison in the midst of the third wave of the pandemic is neither advisable nor safe.

Keeping in view the above circumstances, period of incarceration and her alleged role, this Court is of the view that the petitioner is entitled to be enlarged on bail during the pendency of the trial.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

Needless to mention, any observation made hereinabove is solely for the purpose of the decision of the bail petition and the trial shall be conducted uninfluenced by any observation.

February 02, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes