

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

222

CRM-M-8008 of 2022  
Date of decision:24.03.2022

Paramjit Kaur alias Bholi

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Lakhwinder Singh Mann, 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, 120-B of Indian Penal Code, 1860 (Section 376 IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”), were added later on), 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 prosecutrix”) 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 searching for his daughter, when he reached the house of his uncle, in village Charara, he found Neha wife of Prabhjit @ Prabh, Shelly son of Jasvir and Paramjit Kaur alias Bholi (present petitioner) wife of Mohan, were present there. Rohit fled from the house on spotting him and when he was told that the prosecutrix had married Rohit, hot words were exchanged between him and Neha, Shelly and Bholi. He clicked some photographs on the spot and lodged the complaint.

Counsel for the petitioner has urged that there is no allegation against the petitioner attracting offence under the POCSO Act or Section 363, 366, 376 IPC. He submits that the petitioner is a 54 years old house wife and she is an aunt of the main accused, Rohit, who has been arrested. He asserts that the petitioner, who is in custody since 19.12.2021, deserves to be enlarged on bail as she has unblemished past and is no longer required for custodial interrogation as challan has been presented.

Opposing the petition, upon instructions from ASI Daljit Singh, State counsel has referred to the statement of the prosecutrix recorded under Section 164 Cr.P.C, to submit that in her statement, she has stated that she left her paternal home of her own accord. State counsel has further instructions to state that statement made by him, as recorded in the order dated 03.03.2022 passed by this Court, is inadvertent as Rohit has been arrested, whereas, co-accused Shelly is yet to be arrested and the proceedings have been initiated to declare him as a Proclaimed Offender. He has categorical instructions to the effect that final report under Section 173

Cr.P.C has been presented before the Court, but charge has not been framed.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner would remain debatable and the petitioner, who is middle aged lady with clean antecedents, would be entitled to be released on bail as the trial is yet to start.

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.

March 24, 2022  
savita

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |