

209

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

CRM-M-14378-2022

Date of Decision: 28.10.2022

Parveen KaurPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

Present: Mr.Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

...

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case FIR No. 117 dated 09.06.2020 under
Sections 363, 366-A, 376, 342 IPC and Sections 2, 3 and 4 of POCSO Act,
2012 registered at Police Station Bhargo Camp, District Jalandhar, Punjab.

Learned counsel for the petitioner submits that subsequent to
the dismissal of the previous petition on 19.02.2021, the victim had been
examined before the trial court. Learned counsel while drawing the attention
of this court to the statement of the victim recorded under Section 164
Cr.P.C. as well as her deposition before the trial court, where she stepped
into the witness box as PW4, submits that the victim had not levelled any

allegation much less by way of a whisper against the petitioner of having played any active or passive role in the crime in question wherein she was sexually violated by the main accused Surjit Lal. He submits that in fact it was evident from a perusal of the statement recorded under Section 164 Cr.P.C. as well as the deposition of the victim before the trial court, that she had left her home of her own accord on account of the maltreatment meted out to her by her step mother. Learned counsel submits that the petitioner, who is a lady, has been in custody for almost 2-1/2 years having been arrested on 30.06.2020 and there is no likelihood of the trial concluding in the near future as 06 more witnesses remain to be examined. He submits that in the circumstances further incarceration of the petitioner would serve no useful purpose.

Per contra, the learned State counsel while opposing the prayer made by the counsel opposite has not been able to controvert the submissions made by him with respect to no specific allegation having been attributed to the petitioner qua the alleged sexual assault committed on the victim, however, he submits that the main accused who sexually assaulted the victim was the son of the petitioner. Learned State counsel, on instructions from ASI Balwinder Singh, has apprised the court that the petitioner is not involved in any other criminal case. He has further submitted that the next date fixed before the trial court is 05.11.2022 when the FSL report is likely to be placed on record.

Heard.

In the facts and circumstances of the case as enumerated above, this court deems it fit to extend the concession of bail to the petitioner who has now been in custody since 13.06.2020 as there is no

likelihood of the trial concluding in the near future. Accordingly, the petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

28.10.2022
rupi

(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned	Yes / No
Whether Reportable:	Yes / No