

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

CRM-M-40569-2021

Date of Decision: 17.2.2022

Paramjit Kaur

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. L.S. Sidhu, Advocate, for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana.

Mr. G.S. Sidhu, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.298 dated 31.7.2021, registered under Sections 363, 366-A IPC, at Police Station Rania, District Sirsa.

As per the factual matrix of the case, the FIR in question was lodged by Makhan Singh father of the victim. It was alleged that his daughter-victim (name concealed), whose date of birth is 24.12.2005 aged about 16 years, had to go to her maternal uncle's house. On 28.7.2021, her son Akash had dropped his daughter at Outu Head, but thereafter it was found that she did not reach her maternal uncle's house till 4:00 p.m. They started searching for their daughter. Lateron, they came to know from his mobile and Instagram ID, that a person was chatting with his daughter and identified as Malkit Singh son of Chiman Singh, had taken her away. The

FIR was lodged and request was made to take legal action against the

accused. The investigation commenced and during investigation, the name of the petitioner also surfaced. The role of the petitioner as alleged was found to be that of kidnapping the victim and who stayed in the room of the petitioner for about three days. The petitioner was arrested on 13.8.2021. She approached the learned Additional Sessions Judge, Sirsa for grant of bail, who after hearing the parties, declined the same vide its order dated 9.9.2021. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner before this Court is an unmarried girl who has been falsely implicated in the present case. He submits that the bare reading of the FIR would show that the petitioner is not named in the FIR, however, during the investigation the petitioner has been roped in the present case. He has argued that the only evidence against the petitioner is the disclosure statement of the co-accused. The prosecution has also relied upon the disclosure made by the petitioner herself, wherein, she disclosed that on 29.7.2021 the victim was left by the co-accused Iqbal at her house at Ludhiana. She remained there for three days for performing marriage of the prosecutrix with Iqbal. Learned counsel for the petitioner submits that the main accused is Iqbal and he is already behind bars, whereas, the co-accused Malkit is on bail. It is submitted that the investigation in this case is complete and further incarceration of the petitioner is totally unwarranted.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. He submits that there are specific allegations against the petitioner and the victim remained with her in her house for three days and hence she was actively involved in

the case.

Learned State counsel submits that during the investigation the role of the petitioner has been duly established and there is disclosure statement of the co-accused. However, he submits that the investigation is complete and challan has already been presented.

Heard.

The petitioner is behind bars since 13.8.2021. The investigation in this case is complete and challan already stands presented. The petitioner was not named in the FIR. Primarily she has been named in the case on the basis of the disclosure statement of the co-accused. The main accused Iqbal as pointed out, is behind bars, whereas, other co-accused Malkit is on bail. The trial of the case will take sufficiently long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.2.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No