

CRM-M-18138-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109+287

CRM-24553-2023 in/and
CRM-M-18138-2023
Date of Decision:-29.05.2023

KAMALJEET KAUR

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Raghav Gulati, Advocate and
Mr.Vikas Gupta, Advocate
for the petitioner

Mr.Arjun Lakhanpal, Addl.AG.Haryana

ALOK JAIN, J. (Oral)

CRM-24553-2023

The present application has been filed seeking amendment of the headnote and the prayer clause in the main petition, as after filing of the present petition, certain more Sections have been imposed upon the petitioner.

For the reasons recorded in the application, the application is allowed. Necessary corrections be carried out in the head note and prayer clause of the petition.

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1. Prayer is for grant of regular bail to the petitioner in case FIR No.0031 dated 07.02.2023, under Sections 323, 342 and 34 of IPC, Sections 75/79 of JJ Act and Section 12 of the POCSO Act, (Sections 324,

325, 506, 370(4) of the IPC, Section 10 of the POCSO Act, Sections 23/24 of the Trafficking in persons (Prevention, Care and Rehabilitation) Act, 2021, Section 14 of the Child and Adolescent Labour (Prohibition and Regulation Act, 1986 and Sections 3(2)(v) of the SC/ST Act, added later on) registered at Police Station New Colony, District Gurugram, Haryana.

2. Learned Senior counsel for the petitioner submits that the provision of POCSO Act has been wrongly added, as they were not aware about the age of the complainant, who was brought by service provider namely Arun Kumar and the only fault was that they did not cross-check the age of the girl before employing her. He further submits that the petitioner is a lady and has an infant at home to look after, and more so the husband of the petitioner is also in custody and the petitioner is in custody since 08.02.2023. He further submits that the petitioner shall not press the petition for grant of bail to the husband of the petitioner, whose petition is also pending before this Court.

3. Although the allegations are serious in nature, however, keeping in view the fact that the petitioner is in custody for the last more than three months and has an infant child of 3 ½ years to be taken care of, and the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody.

4. In view of the above, without commenting upon the merits and taking a lenient view, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, the petitioner shall be released on the following stringent conditions:

- i. The petitioner shall declare her ordinary place of residence and the

mobile number used by her.

- ii. She will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in her absence.
- iii. She will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark her presence, she is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. She will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. In case, it is found that the petitioner has tried to induce any of the witnesses either on her own or through any other third party or in case, there is any complaint qua the same, the complainant and/or State is at liberty to file an application for cancellation of bail.

11. It is made clear that this order shall not be construed for parity, in case, the husband applies for bail and this order is only with a view and keeping in mind the welfare of the infant child.

(ALOK JAIN)
JUDGE

29.05.2023

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