

CRM-M-19790-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19790-2023 (O&M)
Reserved on : 20.09.2023
Date of decision : 26.09.2023

Neelam Devi ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Batra, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG Punjab.

ALKA SARIN, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.4 dated 06.01.2023 under Sections 363 and 366 of the Indian Penal Code, 1860, registered at Police Station Nurpurbedi, District Rupnagar, Punjab (Annexure P-1).
2. Learned counsel for the petitioner would contend that the petitioner herein is the wife of the complainant and the mother of the victim. Learned counsel would further contend that initially the FIR was lodged on the basis of the complaint given by the complainant that the daughter of the

complainant was enticed away by one Gagandeep along with some unknown persons on 05.01.2023. Subsequently on 07.01.2023 the complainant got a supplementary statement recorded wherein he stated that he had come to know that his wife - Neelam Devi (petitioner herein) - was having illicit relations with the co-accused Jeewan Kumar for the last many years and Jeewan Kumar was taking his wife to different hotels as well as to Mata Naina Devi. The victim was enticed away by Gagandeep @ Raja in connivance with the petitioner herein Neelam Devi and Jeewan Kumar. The accused Neelam Devi and Jeewan Kumar were arrested on the basis of the supplementary statement made by the complainant. Learned counsel for the petitioner would contend that the petitioner has no role to play and infact has falsely been implicated in the case only because of the suspicion of her husband i.e. complainant herein that she was in an illicit relationship with Jeewan Kumar. Learned counsel would further contend that the petitioner is the mother of the victim and there is no reason for her to have aided Gagandeep @ Raja, the co-accused, in enticing away her own daughter. Learned counsel would further contend that the petitioner has been in custody since 07.01.2023 and that she has absolutely clean antecedents.

3. Learned counsel for the State has filed the status report by way of affidavit of Sh. Ajay Singh, PPS, Deputy Superintendent of Police, Sub Division Anandpur Sahib, District Rupnagar wherein it has been stated that in the supplementary statement made by the complainant it has been stated that the present petitioner was in an illicit relationship with Jeewan Kumar and that Jeewan Kumar was taking the petitioner herein to different hotels as

well as to Mata Naina Devi. It has further been alleged that the victim was enticed away by Gagandeep @ Raja in connivance with the present petitioner and Jeewan Kumar. It has further been stated that Jeewan Kumar and the petitioner were arrested and during interrogation Jeewan Kumar confessed to his guilt and admitted that he along with Gagandeep @ Raja were taking the petitioner herein and the victim to different hotels and used to develop physical relations with both of them. Based upon the said statement, the present petitioner as well as Jeewan Kumar were nominated as accused in the present case and the offence under Section 120-B of IPC was added. Learned counsel for the State would further submit that the petitioner has been in custody since 07.01.2023.

4. Heard.

5. In the present case, initially the FIR was lodged by the complainant who is the father of the victim on the ground that his daughter had been enticed away by one Gagandeep @ Raja and one of his accomplices whose faced was muffled. Subsequently on 07.01.2023 a supplementary statement was got recorded wherein he has alleged that his wife (petitioner herein) was having an illicit relationship with one Jeewan Kumar and Jeewan Kumar was taking his wife to different hotels as well as to Mata Naina Devi and the victim was also enticed by Gagandeep @ Raja in connivance with the present petitioner Neelam Devi and Jeewan Kumar. The petitioner has been in custody since 07.01.2023 and there is no other incriminating evidence against her at this stage besides the supplementary statement of the complainant and the disclosure statement of one of the

co-accused. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

26.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO