

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 204

Criminal Miscellaneous No.M-21656 of 2023

Date of Decision: May 05, 2023

Daljit Kaur

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This petition is for grant of regular bail to the petitioner in case FIR No.174 dated 05.10.2022, registered under Sections 354, 506, 202, 120-B of IPC and Sections 8, 17 of POCSO Act, 2012 (offence under Sections 376-D, 511 of IPC and Section 4 of POCSO Act, 2012 added later on), at Police Station Majitha, District Amritsar.

2. Briefly, the allegations are, that the petitioner and accused Dharminder Pal Singh, have illicit relations, and she started living with him. About one year back, the petitioner delivered a male child, namely, Amit Deol, also. For the last six months, Dharminder Pal Singh was having an evil eye upon the complainant's daughter, aged about fifteen years, and started doing indecent acts with her. It was narrated by her to her mother/petitioner a number of times, on which she was threatened by her and told not to disclose it to anyone. On 11.08.2022, around 03:00/04:00 P.M., the said Dharminder Pal Singh caught hold of the complainant's minor daughter in the presence of her mother/petitioner and molested her. She somehow was able to escape from their home and reach her father/complainant. All this was narrated to him, leading to lodging of the FIR in question.

3. Learned counsel for the petitioner contends that it is a case of

false implication. The petitioner has been implicated by the complainant on the asking of her father only due to alleged illicit relations of hers with co-accused Dharminder Pal Singh. The incident alleged is of 11.08.2022, but the FIR in question has been lodged about two months thereafter. Even if the allegations are found true, only an offence under Section 354 can be said to be made out against her. It is further contended by the learned counsel that investigation of the case is over, and challan stands filed. The petitioner is in custody with her two years' old son which is very hard.

4. Learned State counsel, on instructions from ASI Dharam Singh, submits that charges against the petitioner have already been framed in the case, and trial will soon commence. There are twenty two prosecution witnesses to be examined. The petitioner is in custody since 06.10.2022, and there is no other case pending against her.

5. Submissions made by learned counsel for the parties have been considered.

6. Investigation of the case is already over, and final report/challan stands filed. Nothing is to be recovered from the petitioner. She has no criminal antecedents. Trial of the case will take long time to conclude, as none of the twenty two prosecution witnesses has been examined so far. The petitioner is in custody for over six months with her two years' old son. No useful purpose will be served by confining her to custody any longer.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(Tribhuvan Dahiya)
Judge

May 05, 2023
Payal