

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

CRM-M No.37432 of 2023 (O&M)
DATE OF DECISION : 02.08.2023

Kulbir Kaur

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naresh Gopal Sharma, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.16 dated 04.02.2023 under Sections 363, 366-A, 367, 120-B of the Indian Penal Code, 1860 and Section 79 of the Juvenile Justice Act along with Child and Adolescent Labour (Prohibition and Regulation) Protection Act read with Section of Bonded Labour (Abolition) Act (added later on) (*sic*) registered at Police Station City Patti, District Tarn Taran.

2. Notice of motion.

3. Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of the respondent-State of Punjab.

4. The FIR was lodged by the father of the victim alleging that his daughter whose date of birth was 21.06.2008 was 8th Class pass and because

of shortage of work during the COVID-19 period he consulted with his family members to get her a job. After discussion with his relatives he was introduced to the petitioner herein, who is wrongly referred to in the FIR as Kiran Kaur wife of Parveen Kumar. Both the husband and wife i.e. Parveen Kumar and the petitioner herein assured the complainant that they had provided work to a large number of girls and that they would send his daughter for work in July 2022. Accordingly, the daughter of the complainant was left at the house of the petitioner. Thereafter, train tickets were sent by the petitioner on the mobile phone of the victim for travelling from Amritsar to Bareilly. It was further alleged that on 20.09.2022 the victim called on the mobile phone of the complainant and stated that she did not want to work there and they should take her back home. The complainant-party is then alleged to have contacted the petitioner and her husband and stated that they wanted to bring their daughter back home. However, the petitioner and her husband are alleged to have made excuses. Subsequently, the complainant-party took Parveen Kumar and went to Bareilly to get their daughter back. However, they did not find her there. Thereafter, the complainant party is alleged to have moved various complaints to the police but till date the whereabouts of their daughter are not known.

5. Learned counsel for the petitioner would contend that the only allegation against the petitioner is that she had provided the tickets to the victim. It is further the contention that the petitioner has falsely been implicated in the case.

6. The learned counsel for the State, on instructions from ASI-Kulwinder Kaur, has stated that the husband of the petitioner has since been

arrested. However, the whereabouts of the victim are still not known. The learned State counsel has also pointed out that even the Aadhar Card of the victim was forged by the petitioner and her husband to show her as having been born on 21.06.2004 whereas in her original Aadhar Card the date of birth mentioned is 21.06.2008.

7. In the present case the victim was sent to Bareilly by the petitioner and her husband on the pretext of providing her some work. However, shortly after reaching Bareilly, the victim called her parents stating that she did not want to work there and they should take her back home. Despite the complainant visiting Bareilly alongwith the husband of the petitioner the victim was not recovered. Infact, till date, the victim has not been recovered and her whereabouts are still not known. Even the Aadhar Card of the victim is alleged to have been forged and tampered with by the petitioner and her husband to show the victim's date of birth as 21.06.2004 whereas her actual date of birth is 21.06.2008, as mentioned by the complainant in the FIR.

8. In view of the gravity of offence and the fact that the victim is yet to be recovered, I do not find this to be a fit case for grant of anticipatory bail.

9. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

02.08.2023
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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