

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-36864-2023 (O&M)

Date of Decision : 20.12.2023

Neelamjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajiv Kataria, Advocate and
Mr. Aman Joon, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

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

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.22 dated 27.01.2023 under Sections 354, 451, 353, 506, 149 of the Indian Penal Code, 1860 (IPC) (Sections 8 and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 376 IPC added later on) registered at Police Station Dugri, District Ludhiana.

2. On 24.08.2023 the following order was passed :

“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.22 dated 27.01.2023 under Sections 354, 451, 353, 506, 149 of the Indian Penal Code, 1860 (IPC) (Sections 8 and 6 of Protection of

Children from Sexual Offences Act, 2012 and Section 376 IPC added later on) registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner would contend that the petitioner is a social worker and a political figure and she had gone there to help the victim as there were complaints of her being beaten up. It is further the contention that on 25.01.2023 allegations were made by the victim against her parents and grandfather with regard to physical and mental harassment and to ensure the safety of the child the victim was presented before the Child Welfare Committee, Ludhiana. Thereafter, the Child Welfare Committee vide its order dated 27.01.2023 issued directions for sending the minor child to the Children's Home, namely, Shree Bala Ji Prem Ashram at Pakhowal Road, Ludhiana. Subsequently, on 28.01.2023, a totally different statement was given by the victim under Section 164 CrPC wherein a different account was given by the child deviating from the earlier allegations made by her on 25.01.2023. The learned counsel has further relied upon a video footage of the date of the incident. The learned counsel would further contend that in this video the victim can be seen going voluntarily with the co-accused Manish Puri in his car whereas the petitioner herein was standing

outside. The learned counsel has further contended that the second allegation against the petitioner is that she was one of the persons who had beaten up the grandfather on 25.01.2023. Learned counsel for the petitioner has relied upon the orders passed by this Court in CRM-M-36076- 2023 (Telu Ram vs. State of Punjab) to contend that the petitioner is on the same footing.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab while Mr. G.S. Madaan, Advocate has accepted notice on behalf of the complainant.

Learned State counsel, on instructions from Inspector Madhu Bala, has stated that the contents of the pen-drive have been verified, as directed vide order dated 11.08.2023, and in the footage the victim can be seen going voluntarily with Manish Puri.

List on 07.11.2023 along with CRM-M-36076-2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified

in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Jaswinder Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that she is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 24.08.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

20.12.2023
Deepak patwal

(ALKA SARIN)
JUDGE

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