

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40688-2023 (O&M)
Date of Decision: 22.11.2023

PARAMJIT KAUR @ REETA

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

HARPREET KAUR JEEWAN J. (ORAL)

[1] The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 94 dated 02.06.2023, registered at Police Station Majitha, District Amritsar, under Sections 363 and 366-A of the IPC read with Section 120-B thereof and Section 4 of the Protection of Children from Sexual Offence Act, 2012.

[2] Learned counsel for the petitioner *inter alia* submits that the petitioner Paramjeet Kaur @ Reeta is 41 years of old and as per the allegations in the FIR, on 01.06.2023 the son of the petitioner had enticed away the minor victim who is aged about 12 years and 04 month in connivance with the petitioner. The victim has been found on 03.06.2023 and she suffered a statement under Section 164 Cr.P.C. wherein there was no reference about the role of the petitioner.

[3] Learned counsel for the petitioner contended that apart from the bald statement of the mother of the prosecutrix in the FIR, there is no other allegations against the petitioner. As per the status report dated 28.09.2023 submitted by way of an affidavit of Sh. Kanwalpreet Singh, P.P.S. Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), during the investigation of this case, the petitioner was not found involved on the basis of evidence collected till 06.06.2023 and she was proposed to be declared innocent, vide GD No. 30, dated 06.06.2023 recorded at Police Station Majitha, District Amritsar (Rural).

[4] While referring the status report filed by way of an affidavit of Kanwalpreet Singh, the learned State counsel submitted that the present FIR was registered on the basis of the statement of the mother of the prosecutrix.

[5] The main accused has been arrested and as per the FIR, the only allegations against the petitioner are that mother of Husanpreet Singh, namely Reeta, is also involved in this connection. There are no specific allegations against the petitioner aiding her son for taking away the minor prosecutrix. The prosecutrix is not alleged to have stayed in the house of the petitioner. Even the prosecutrix is not alleged to have made any allegations against the petitioner in her statement recorded under Section 164 Cr.P.C. As per the status report, dated 07.11.2023 which was filed by the State by way of an affidavit of Sh. Kanwalpreet Singh, P.P.S. Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), the statement of the prosecutrix was recorded by the Judicial Magistrate Ist

Class, Amritsar, under Section 164 Cr.P.C. Even as per the said statement contents of which are mentioned in paragraph No. 5 of the status report, she has not levelled any allegations against the petitioner. In paragraph No. 6 of the said status report, it is contended that the prosecutrix has reiterated the similar facts in the statement recorded on 06.06.2023 under Section 161 Cr.P.C. No doubt the petitioner is a minor and there are allegations of sexual assault by the co-accused but keeping in view the peculiar circumstances that there are no specific allegations against the petitioner and the petitioner is a woman, it is a fit case where the benefit of pre-arrest bail can be granted to the petitioner.

[6] Consequently, the present petition is allowed, subject to the following conditions:-

- (i) That the petitioner shall join the investigation within two weeks from today and further make herself always available for the interrogation as and when called by the investigating officer;
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.

[7] It is also made clear that if the petitioner does not comply with the aforesaid conditions, the State would be at liberty to file an appropriate application/petition for cancellation of the present order.

[8] Pending miscellaneous application (s), if any, shall also stand disposed of.

November 22, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No