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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42579-2023 (O&M)
Date of decision : 09.10.2023

Baljeet Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Adarshdeep Singh, Advocate for the petitioner.

Mr. Harjinder Singh Sidhu, AAG Punjab.

ALKA SARIN, J. (ORAL)

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.157 dated 15.07.2020 lodged under Sections 376, 342 and 120-B Indian Penal Code, 1860 (Sections 370, 370-A, 363, 366 and 376-D IPC added later on) registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The FIR was lodged on the statement of the complainant wherein it was alleged that Sukha Singh @ Sukhwinder Singh (petitioner in CRM-M-14294-2022) and his wife - Rimpay - who are co-villagers, used to visit her house frequently. Five-Six months prior to the lodging of the FIR, they took her to a residential house in Sri Muktsar Sahib where the co-

accused - Sukha Singh - is stated to have sexually assaulted her. Sukha Singh is alleged to have yet again sexually assaulted her in Malout. After that the accused Ninder Kaur (the petitioner in CRM-M-25612-2022) brought the complainant to Village Badal and left her at the house of Sukhdev Singh @ Sebi (petitioner in CRM-M-49092-2021) where the complainant came to know that she had been sold to Sukhdev Singh for Rs.30,000/-. After about three-four months, she managed to escape and reached her village where she disclosed the entire incident to her husband.

3. Learned counsel for the petitioner would contend that the co-accused Sukha Singh @ Sukhwinder Singh and Ninder Kaur @ Ninderpal Kaur have been granted the concession of regular bail vide a common order dated 06.07.2022 passed in CRM-M-14294-2022 and CRM-M-25612-2022 respectively (Annexure P-7). It is further the contention that the co-accused Sukhdev Singh @ Sebi has also been granted the concession of regular bail by this Court vide order dated 15.02.2022 in CRM-M-49092-2021 (Annexure P-6). Learned counsel would further contend that the allegations of rape are against Sukha Singh @ Sukhwinder Singh who has since been granted the concession of regular bail. Learned counsel for the petitioner would further contend that the complainant though had supported the case of the prosecution in her statement recorded under Section 164 CrPC, however, in her statement recorded in the Court during the trial against the main accused, she has been declared hostile. It is further the contention that even the husband of the complainant has not supported the

case of the prosecution against the main accused. It is further the contention of learned counsel that the petitioner has been in custody since 31.03.2023.

4. Learned counsel for the State on instructions from ASI Balwant Singh has stated that there would be no requirement of filing a status report in the present case as all the orders granting bail to the co-accused are appended with the present petition. Learned State counsel is not in a position to deny the fact that neither the complainant nor her husband has supported the case of the prosecution during the trial against the main accused. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 06 months and 09 days.

5. Heard.

6. In the present case all the co-accused, including the accused Sukha Singh against whom the allegations of rape have been made, have already been granted the concession of regular bail by this Court. Neither the complainant nor her husband has supported the case of the prosecution during the trial against the main accused. The petitioner has been arrested later on and supplementary challan against her has also been presented. As per the custody certificate, the petitioner has been in custody for a period of 06 months and 09 days. After framing of the charges against the petitioner, 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.

7. 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.

8. 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.

9. 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.

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

09.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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