

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.216

CRM-M-44737-2022 (O&M)
Date of Decision: 01.02.2023

Manpreet Kaur

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. H.P.S.Ghuman, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

TRIBHUVAN DAHIYA, J. (ORAL)

Learned counsel for the petitioner contends that after filing of the petition, offence under Section 342 IPC has been added, therefore, the same should be made part of the petition.

Ordered accordingly.

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.80 dated 13.04.2022, registered under Section 376 IPC and Section 4 of POCSO Act (Sections 376(2)(n), 120-B, 342 of IPC and Section 6 of POCSO Act have been added later on) at Police Station Sadar Nabha, District Patiala.

As per allegations in the FIR, the complainant was raped by one Karanvir Singh by taking her to the petitioner's house. There, the petitioner served tea to the complainant as well as Karanvir Singh, and informed the complainant's family members also that their daughter was in good condition

and had reached the hostel at Patiala. Thereafter, Karanvir bolted the door and raped her forcibly.

Learned counsel for the petitioner contends that the petitioner has no role to play in the commission of alleged offences. Even in the statement of the complainant recorded under Section 164 Cr.P.C., she has not supported the version recorded in the FIR. She stated that accused Karanvir Singh took her to his own house and raped her. He further contends that investigation of the case is complete and challan has also been presented. The petitioner remains in custody since 22.07.2022.

Learned State counsel, upon instructions from ASI Harvinder Singh, does not dispute the facts aforementioned. He, however, states that trial is about to commence, and therefore, bail should not be granted.

As per the facts aforestated, investigation of the case is complete and the petitioner is in custody since 22.07.2022. Charges are still to be framed and the prosecution witnesses, twenty five in number, will thereafter be examined. Therefore, trial is not likely to conclude in near future, and no purpose would be served by keeping the petitioner in custody during trial.

Accordingly, the petition is allowed and it is ordered that the petitioner be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

01.02.2023
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No