

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

225

CRM-M-44045-2023 (O&M)

Date of Decision : 14.11.2023

MANPREET KAUR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.

Mr. M.S. Tiwana, 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.25 dated 04.02.2023 under Sections 363, 366-A and Sections 376 and 120-B of the Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case being wife of the main accused. Learned counsel would further contend that the petitioner was not named by the victim in her statement recorded under Section 164 of CrPC and she was named only by the complainant in the supplementary statement. The role attributed to the petitioner is that she had assisted the main accused in alluring the victim out of the lawful guardianship of her

parents. Learned counsel would further contend that the petitioner in the present case had delivered a baby last month and both the petitioner (being mother) and the baby are in the jail hospital as the baby is suffering from Jaundice. It is further the contention of the learned counsel for the petitioner that the petitioner is similarly situated to the co-accused namely, Kuldeep Singh, who has since been granted the concession of regular bail vide order dated 06.11.2023 passed in CRM-M-36741-2023.

3. Learned counsel for the State, on instructions from ASI Gurmeet Singh, is not in a position to deny the fact that the victim in her statement has only named the main accused and that the name of the petitioner surfaced only in the supplementary statement of the complainant. Learned counsel for the State is also not in a position to deny the fact that the petitioner had delivered a baby, who is suffering from Jaundice and they are in the jail hospital. Learned counsel has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of seven months and five days.

4. Heard.

5. In the present case the victim in her statement recorded under Section 164 CrPC has not named the petitioner. The complainant had also not initially named in the petitioner and it is only in her supplementary statement that the name of the petitioner had surfaced as having allured the victim from the lawful guardianship of her parents. There is no incriminating evidence on record qua the petitioner. The petitioner has been in custody for a period of seven months and five days. The petitioner is stated to have

delivered a child who is suffering from Jaundice and they are in the jail hospital. Co-accused of the petitioner has since been enlarged on bail. 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.

6. 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.

7. 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.

8. 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.

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

14.11.2023

Aman Jain

**(ALKA SARIN)
JUDGE**

NOTE:

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