

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

CRM-M No.56537 of 2022

Date of decision: 14th February, 2023

Jaswinder Kaur @ Binder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Gupta, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

This is second petition of the petitioner filed under Section 439 Cr.P.C. for grant of bail in case bearing FIR No.14 dated 30.01.2016 under Section 370 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (Sections 376, 372, 120-B IPC added later on) registered at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner has inter alia contended that the petitioner, who is a 62 year old lady, has been in custody since 06.02.2021 and there is no likelihood of the trial concluding in the near future as 14 prosecution witnesses remain to be examined. Learned counsel has submitted that the prosecutrix went missing in November

2015 and the FIR in question was got registered three months later, i.e. in January 2016, wherein the prosecutrix levelled allegations against the petitioner, her husband and some others of forcing her into immoral activities. He has further submitted that in fact the prosecutrix, who was 16 years of age, when she left her house, had left her house of her own accord. He has also submitted that the lone material witness i.e. the prosecutrix stands examined, and hence in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner along with her husband solemnized the marriage of a minor girl with one Surjit Singh, who thereafter violated her person. Not only this, the prosecutrix was forced into immoral activities by the petitioner and her husband. He submits that while stepping into the witness box, the prosecutrix had reiterated all her allegations against the petitioner.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner, who is a 62 year old lady, has now been in custody since 06.02.2021. Since the sole material witness i.e. the prosecutrix stands examined and as many as 14 prosecution witnesses still remain to be examined, the trial will take considerable time to conclude. The husband of the petitioner who too is an accused in the

instant FIR and is similarly situated as the petitioner, has been granted the concession of bail by this Court vide order (Annexure P-3) dated 17.04.2018. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2023

rps

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