

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-61949-2023 (O&M)

Date of Decision : 15.12.2023

MANPREET KAUR

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.S. Aulakh, 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, Sections 376 and 120-B (added later on) 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 sister 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. 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 and Manpreet Kaur, who have since been granted the concession of regular bail vide order dated 06.11.2023 passed in CRM-M-36741-2023 and vide order dated 14.11.2023 passed in CRM-M-44045-2023, respectively.

3. 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 10 months and 9 days. 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.

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 with allegation of 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 10 months and 9 days. Co-accused of the petitioner, namely, Kuldeep Singh and Manpreet Kaur, have 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.

15.12.2023

Aman Jain

(ALKA SARIN)
JUDGE

NOTE:

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