

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-11771-2024(O&M)
Date of order: 06.03.2024

Gurpreet Kaur

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

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

Mr. S.S. Chahal, AAG Punjab.

Nidhi Gupta, J.

Prayer in the present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.7 dated 06.01.2024 under Section 8 of Protection of Children from Sexual Offences Act (Amended) 2012, 2019, Police Station City Kharar, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner inter alia submits that victim in the present case is the daughter of the petitioner. FIR has been registered on the basis of statement made by respondent No.2/sister-in-law/Bhabhi of the petitioner. It is contended that the present FIR is utterly motivated as the petitioner has dispute with her parental family. Learned counsel states that the petitioner was earlier married to the father of the victim namely Supinder Singh and out of said, wedlock the victim was born. Thereafter, as the petitioner had estranged relations with her husband, she started living in a live-in relationship with Harman Chahal/co-accused in the present FIR. It is stated that her parental family is against the petitioner’s relationship with the co-accused and it is in this background that present FIR has been registered wherein false and fabricated allegations have been made against the co-accused to the effect that he had wrongly touched the

victim. Learned counsel states that this is borne out from the fact that it was the petitioner herself who had dropped the victim at the petitioner's home on 30.12.2023 whereas FIR has been registered on 06.01.2024.

3. Notice of motion.

4. Mr. S.S. Chahal, AAG Punjab accepts notice on behalf of respondent No.1-State.

5. Learned State Counsel has informed that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case and has stated that "the accused has committed wrong act with her". It is further informed that challan has not yet been presented in the matter, and therefore, custodial interrogation of the petitioner is required.

6. I have heard learned counsel for the parties and perused the case file in detail.

7. In the present case, it is admitted that the age of the victim is 11 years and 6 months old. She is a student of Class-5. FIR has been registered by the maternal aunt/Mami of the victim.

8. Perusal of the FIR shows that very serious allegations have been made therein, to the effect that *"On dated 30.12.2023 my sister-in-law Gurpreet Kaur had left her daughter Tarandeep Kaur to us at Ambala and went away, that our niece Tarandeep Kaur appeared to be quite scared and frightened. To whom we asked affectionately repeatedly, but she was not telling anything. Then I engaged her in talks asked about the reason about keeping quite then Tarandeep Kaur while crying told that boy living with my mother Gurpreet Kaur in that flat namely Harman Chahal who often used to touch me in wrong manner and my mother Gurpreet Kaur and Harman Chahal in the bathroom without closing the door used to take bath in front of me, when I used to ask them to take bath by closing the door of the bathroom then both of used to hurl filthy abuses to me and my Gurpreet Kaur instead of inhibiting him used to support him and used to compel me to form physical relations with Harman Chahal, then my mother and Harman Chahal used to give death threats to me. Legal action may be*

initiated against my sister-in- law Gurpreet Kaur and Harman Chahal and justice may be served to us.”

9. The allegations made in the FIR are not just serious in nature but would constitute a heinous crime. Moreover, the victim has supported the above version in her statement under section 164 CRPC. Thus, argument of learned counsel for the petitioner that present FIR is motivated, is liable to be rejected.

10. In view of the above, I find no ground is made out to grant concession of anticipatory bail to the petitioner. Present petition accordingly stands **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

06.03.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	