

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13914-2024
Date of decision : 01.05.2024

Suman Rani @ SumanPetitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Barjinder Singh, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

This is the first petition filed by the petitioner praying for grant of regular bail in case FIR No.186 dated 29.08.2021, under Sections 376(3), 370-A, 506, 120-B of IPC and Sections 9, 10 & 11 of Child Marriage Act, 2006 and Section 4 of Prevention of Children from Sexual Offences Act, 2012 at Police Station City Sunam, Sangrur.

Adumbrated facts of the case are that on the application of Child Welfare Committee, the present FIR was lodged. It was alleged that on 27.08.2021 at about 05:40 PM, a call was received at No.112 at the station. It was informed by the Child Welfare Department Officer that a girl(name concealed) about 13 years, after marriage was illegally confined at Village Sunarian as she was not happy, she should be released. On receiving the information, the Constable was sent for her search and the victim was recovered from Krishan son of Ram Niwas from the Village Sunarian. The victim was detained by him in the night at the Jag Nath Ashram. On 28.08.2021, she was presented before the Child Welfare Committee and her counselling was done.

The marriage of the victim was forcibly performed at Village Sunam and thereafter, she was kept at Village Sunarian. On registering the FIR No.ZERO, the investigation commenced. During investigation, the name of petitioner also surfaced and thus, she was arrested on 11.07.2023. She approached the Court of learned Additional Sessions Judge, Sangrur praying for grant of regular bail, however, on hearing counsel for the parties, the same was declined by learned Additional Sessions Judge vide her order dated 09.02.2024. Hence, petitioner is before this Court by way of filing the present petition.

It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He further submits that the petitioner was named during investigation on the basis of false statement. He further submits that even husband of the petitioner was arrested however, he has already been acquitted by the trial Court vide order dated 14.11.2023. It is submitted that in the trial concluded against husband of the petitioner, the victim and her parents have not supported the case of the prosecution and thus, Vicky (husband of the petitioner) has already been acquitted. He submits that the investigation is already complete and the trial is in progress. He further submits that the petitioner is already behind bars from the last 10 months and deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the victim in the present case is hardly 14 years of age, who was forcibly married to Krishan in conspiracy with petitioner and all other accused. He further submits that out of total four prosecution witnesses, only one witness has been examined so far. However, he submits that the victim and her parents did not support the case of the prosecution in the trial against the husband of petitioner whereas, in the case of petitioner, trial is still in progress. He has placed on

record custody certificate of the petitioner and has submitted that petitioner has completed about 10 months of incarceration. He submits that in the overall facts and circumstances of the case, petitioner does not deserve to be granted bail.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 11.07.2023. The accused in the present case was not named during investigation. Her husband namely, Vicky, had already been acquitted by the trial Court in which victim and her parents had not supported the case of the prosecution. Custody certificate of the petitioner shows that petitioner had completed incarceration of about 09 months and 23 days as on 30.04.2024. It further shows that petitioner is not facing trial in any other case. The prosecution has examined 01 witness out of total 04 prosecution witnesses.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.05.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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