



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.19237 of 2024
Date of Decision: 30.05.2024

Manjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

None for respondent No.2.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
18	11.02.2024	Civil Lines, District Police Commissionerate Amritsar	363 and 366 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged on the basis of statement recorded by the complainant Jagjit Kumar alleging therein that on 08.02.2024, his minor daughter “A” (name withheld) had gone to take her examination in a college at Amritsar at 10:30 AM but did not return. He made search for her and was now sure that she eloped with the

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accused Gaurav Singh in connivance with the petitioner i.e. mother of the Gaurav Singh and his other family members. On this statement, initially a case under Sections 363 and 366 of IPC was registered. Investigation proceedings were initiated. In the meanwhile, the victim and the accused Gaurav Singh filed a petition bearing CRWP No.1405 of 2024 before this Court seeking protection of their life and liberty. On receipt of notice of that petition, the petitioner along with her son had gone to attend the hearing of the case on 27.02.2024 and was arrested. The victim was also recovered from their custody and she was kept in safe custody at State After Care Home, Majitha Road, Amritsar on 27.02.2024. She was medically examined on 28.02.2024. Her statement under Section 164 Cr.P.C. was recorded on 29.02.2024 and thereafter, she also recorded her statement under Section 161 of Cr.P.C. Offences under Sections 120-B of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (For short "POCSO Act") were added. Co-accused Sukhbir Singh, uncle of the accused Gaurav Singh was also nominated as co-accused. Subsequently, custody of the victim was handed over to her parents. The investigation is still going on. The petitioner has filed an application for grant of regular bail before the Court of learned Additional Sessions Judge, Amritsar which had been dismissed vide order dated 18.03.2024.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case only on the basis of suspicion. Her son had run away with the victim to perform marriage and had filed a protection petition. The petitioner had no involvement in the elopement of the daughter of the complainant and her son. The trial is likely to take time. No useful

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purpose would be served by keeping her in custody. Therefore, it is argued that she deserves to be released on bail.

4. Status report has been filed by the respondent-State as per which, in her statement recorded under Section 164 of Cr.P.C., the victim had stated that the co-accused Sukhbir Singh called her on the fateful day and got filed a protection petition from her along with co-accused and she lived under their pressure. Learned State counsel has argued that the victim in her statement recorded under Section 161 Cr.P.C. specifically alleged that she was being induced by the co-accused Gaurav Singh and the petitioner to perform marriage with the co-accused Gaurav, was taken by them to their house and had been kept confined there. She was made to file a protection petition in the High Court by the petitioner and the co-accused Sukhbir Singh. It is submitted that these allegations show the active participation of the petitioner in the subject crime and, therefore, it is urged that the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the petitioner who is mother of the co-accused Gaurav Singh in connivance with him and the co-accused Sukhbir Singh had not only facilitated the kidnapping of the victim by inducing her to leave her house and to come with them to get her marriage performed with the co-accused Gaurav Singh but had also confined in her house and also facilitated the act of rape by the co-accused Gaurav Singh. The allegations against the petitioner are serious in nature. Investigation is still going on. The victim is yet to be examined before the Court. The plea that

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the petitioner may abscond or may tamper with the evidence cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

30.05.2024
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(MANISHA BATRA)
JUDGE

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