

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.24754 of 2023
Date of Decision: 06.03.2024

Paramjit Kaur alias Pammi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harmanpreet Sehgal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

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
473	05.11.2022	City Faridkot, District Faridkot (Punjab)	376-D of IPC and 3 & 4 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”)

2. Brief facts relevant for the purpose of disposal of this petition are that the FIR in this case was lodged against the petitioner and others on the basis of statement recorded by the prosecutrix “A” (name withheld) on 05.11.2022 alleging therein that she was 14 years old. She lived with her father as her mother lived separately. On 23.07.2022, her mother had come and had taken the complainant along with herself. Her father had moved complaints three times against her mother for bringing her back but at that time, she herself had made statement in favour of her mother. She further alleged that her mother along with herself had

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thereafter started living in a rented accommodation at Balbir Basti, Faridkot. The present petitioner was living on the ground floor of the same house. She was indulged in illegal activities and also involved her mother. When the complainant came to know about the same, she had resisted but her mother pacified her by saying that all was done for her. She alleged that two months thereafter, four persons named as Sukha Singh, Kala, Bobby and Gurcharan Singh started visiting her house and all these persons then started committing rape upon her. She had tried to raise alarm but they used to turn up the volume of the speakers. They used to come whenever they wished and ravished the complainant several times. Even her mother advised her to not to make any noise. She alleged that on 25.10.2022, her aunt had visited her house in the absence of her mother and she had pleaded with her to take her along. On 27.10.2022, her father moved an application against her mother for taking her along with him. She along with her mother was called at the police station and only then she went along with her father. She had narrated the entire story to her grandmother on 28.10.2022 and was got admitted in hospital. She prayed for taking action against the petitioner and her mother and the above named four persons.

3. On the complaint of the victim initially a case under Sections 376-D of IPC and Sections 3 and 4 of POCSO Act was registered. Subsequently, offences under Sections 376-DA, 372, 506 read with Sections 34 and 120-B of IPC and Sections, 5, 6 and 16 of POCSO Act were also added. The present petitioner and co-accused Sarabjit Kaur were arrested on 05.11.2022. The statement of victim was recorded under Section 164 of Cr.P.C. wherein she reiterated the allegations as levelled in the complaint.

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After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented against the present petitioner and co-accused Sarabjit Kaur. The co-accused Gurcharan Singh was arrested on 13.01.2023. On completion of investigation, supplementary challan was presented against him on 04.03.2023. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Faridkot which was dismissed vide order dated 13.12.2022.

4. The present petition has been filed by the petitioner on the grounds and it has been argued by her counsel that she has been falsely implicated in this case. No allegations have been levelled by the prosecutrix against her. As per the version of the prosecutrix herself, the alleged occurrence had taken place in her house itself and the same was being facilitated by her own mother and the victim was never ravished at the place of the petitioner nor at her insistence. The petitioner is in custody since 05.11.2022. She has a permanent abode. There are no chances of her absconding. The trial is likely to take time. No useful purpose would be served by keeping her in custody any more. Therefore, it is argued that she deserves to be given concession of bail.

5. It will not be out of place to mention here that at the time of filing of this application, the petitioner had claimed herself to be pregnant. The respondent-State was directed to file a report and a report dated 01.06.2023 was submitted to the effect that she was not pregnant and had her last menstruation period on 22.05.2023.

6. A detailed status report has also been filed by the respondent-State as per which, thorough investigation was conducted in the matter and

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the allegations as levelled by the victim were found to be correct. The petitioner in connivance with her mother had got the victim ravished several times at the hands of the co-accused. The trial has commenced. The prosecutrix has been examined and has reiterated the same allegations. There are chances of petitioner's hampering the trial or fleeing away from the jurisdiction of the Court if extended benefit of bail. The co-accused Surjit Singh @ Sukhjit Singh alias Sukha, Bakshish Singh alias Kala and Jaspal Singh alias Bobby are yet to be arrested. Therefore, it is urged that the petitioner does not deserve to be given concession of bail.

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

8. The allegations against the petitioner are that she was indulged in the acts of immoral activities and had initially indulged the mother of the prosecutrix in flesh trade and thereafter, in connivance with the petitioner, her mother had made her to be subjected to acts of aggravated penetrative sexual assault by the co-accused Gurcharan Singh who is facing trial and three other accused who are still at large. The sworn statement of the prosecutrix has been recorded and the copy of the same has been placed on record by the learned State counsel, a perusal of which reveals that in her statement recorded before the Court, the prosecutrix has reiterated her version as given in the complaint. There are serious allegations against the petitioner as it is apparent from the record that she had a hand in the acts of rape/aggravated penetrative sexual assaults being committed upon the victim and it was with the connivance of the mother of the prosecutrix and herself that the victim was subjected to serious ordeals. The trial has commenced.

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There is nothing on record to show that there would be any undue delay in conclusion of the same. The allegations against the petitioner are serious in nature. Keeping in view the gravity of these allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.03.2024
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(MANISHA BATRA)
JUDGE

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