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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-24786-2024 (O&M)
Date of decision : 18.09.2024

Kiran Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R. V. S. Chugh, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in case arising out of FIR No.0088 dated 06.07.2023 registered under Sections 363 and 366-A of IPC at Police Station City-1, Mansa, District Mansa. The first petition, which was jointly filed with co-accused Manjot Kaur, bearing number **CRM-M-50547-2023**, was dismissed as withdrawn qua the petitioner, vide order dated 14.02.2024.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 06.07.2023 at the instance of complainant L Singh with the allegations that the petitioner as well as Manjot Kaur had taken away his minor daughter by inducing her for some immoral purpose. The victim was recovered on 07.07.2023. her

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Statement under Section 164 of Cr.P.C. was recorded, wherein she disclosed that she had been induced by the petitioner Kiran Kaur to come to her at Ludhiana on the pretext that she would provide her new clothing and a phone and on being so induced she had left her home on the fateful day and had gone to Ludhiana in a bus from where she was picked up by the petitioner. She also disclosed that the petitioner kept on shifting her to different hotels at different places. She also stated that on asking of the petitioner, she was made to leave the hotel at Chandigarh wherein she had come to stay with the petitioner and thereafter by making call to her cousin sister Nisha, she had been brought back to her house. The petitioner was arrested on 07.07.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. She is in judicial custody since 07.07.2023. Her custodial interrogation is no more required. Learned counsel for the petitioner has placed on record the statement of the victim recorded before the trial Court to submit that the victim has nowhere stated that she was taken by the petitioner for any immoral purpose. It is further argued that co-accused Manjot Kaur has already been granted concession of regular bail by this Court, vide order dated 14.02.2024 passed in **CRM-M-50547-2023**. The petitioner has already undergone incarceration for a period of about 01 year and 02 months. Since the victim stands examined before the trial Court, there is no likelihood for the petitioner to

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influence or intimidate her. No useful purpose would be served by keeping her in custody anymore. Bail is the rule and the jail is an exception. Hence, it is prayed that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. The complicity of the petitioner in the subject crime has been established during the course of investigation. However, it is not disputed that the statement of the victim has already been recorded before the trial Court, co-accused Manjot Kaur has been granted concession of regular bail and the petitioner is in judicial custody since 07.07.2023.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material place on record.

6. The first bail petition of the petitioner, jointly filed with co-accused Manjot Kaur, was dismissed as withdrawn by this Court on 14.02.2024. The petitioner has filed this petition seeking grant of regular bail on the ground of extended incarceration and that the victim stands examined before the trial Court. A perusal of the record shows that the petitioner is in custody since 07.07.2023 i.e. for a period of about 01 year and 02 months. A perusal of the sworn deposition of the victim reveals that she has nowhere stated that she was taken away by the petitioner or co-accused from the lawful guardianship of her parents for any immoral purpose at all. As mentioned above, co-accused Manjot Kaur has already been granted concession of regular bail by this Court. Since the victim stands examined before the trial Court, there are no chances for the petitioner to intimidate or influence her. Keeping in view the aforesaid facts and circumstances, this

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Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No