

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-43389-2023 (O&M)
Date of Decision:-25.1.2024

Paramjeet Kaur @ Paramjit Kaur ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hardeep Singh Dhillon, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
318	7.10.2021	Ram Nagar, Karnal, District Karnal	370 of Indian Penal Code, 1860 and Section 6 of POCSO Act, 2012

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- The allegations, in nutshell, are that an application was received in the Office of District Child Protection Officer, Karnal on 6.7.2021 to the effect that a minor girl namely ‘P’ (real name withheld) aged about 11-12 years was being kept by her family in an inhuman manner and was being ill-treated and was not being given proper food and was forced to do the entire household work. Upon receipt of said information, the DCPO, Karnal accompanied by the

Counselor reached Village Kheda Chhapra and found that the minor girl 'P' (real name withheld) was indeed kept in an inhuman manner and had been ill-treated and had not even been provided adequate clothes or slippers and had not even taken bath for the last several days. The said minor child disclosed that her father had expired about 4-5 years back and that her elder sister 'M' (real name withheld) is aged about 17 years, who was married to one 'P's' and that her elder sister had given birth to a son, who had been sold-off by victim's mother and that her elder sister 'M' was again in a family way now. It is further the case of the prosecution that the victim 'P' made a statement that her elder sister had been married on 2-3 times by her mother 'K' (real name withheld) and had been sold off, but she used to come back and that even presently she was residing with them. She further stated that husband of 'M' was also residing with them and that on earlier occasion, the victim's mother had sold off a child born to 'M'.

3. Learned counsel for the petitioner submitted that the petitioner, who is step-grandmother of victim 'P', is a lady aged about 53 years and has been falsely implicated and that the falsity would be evident from the fact that when both the victims i.e. 'P' and 'M' stepped into the witness box, they did not support the case of prosecution at all.
4. Learned State counsel has filed status report by way of affidavit of Shir Veer Singh, HPS, Deputy Superintendent of Police (City), Karnal, which is taken on record. Learned State counsel while opposing the petition submitted that it is apparently a case, where the petitioner and other co-accused have been able to win over the minor victims either by way of some allurements or by some kind of threats and that when their statements had earlier been recorded before a Magistrate under Section 164 Cr.P.C., they had supported the

prosecution version. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and happens to be involved in 1 more case under Juvenile Justice Act and Section 307 of Indian Penal Code. It has been informed that as on date 2 PWs out of the cited 10 PWs have been examined.

5. This Court has considered rival submissions addressed before this Court.
6. While this Court does find that serious allegations have been levelled against the petitioner and other accused but as on date material PWs have already been examined. The petitioner has been behind bars for a substantial period of more than 2 years. Conclusion of trial is likely to consume time inasmuch only 2 PWs out of the cited 10 PWs have been examined so far. As such, further detention of the petitioner will not serve any useful purpose. Without commenting anything as regards merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.1.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No