

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

224

CRM-M No.50547 of 2023
Date of decision: 14.02.2024

1. Kiran Kaur (now deleted)
2. Manjot Kaur alias Harpreet Kaur ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Vijay Singh Chugh, Advocate,
for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition had originally been filed by the two petitioners namely, Kiran Kaur @ Kirna and Manjot Kaur alias Harpreet Kaur seeking concession of regular bail in case having arisen 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, on the basis of statement recorded by the complainant L Singh (name withheld). However, today, learned counsel for the petitioners prays that he may be permitted to withdraw this petition qua petitioner No.1. In view of the above, the present petition is ordered to be dismissed as withdrawn qua petitioner No.1.

Neutral Citation No.2024:PHHC:021148

2. Brief facts of the case relevant for the purpose of disposal of this petition are that in his statement recorded on 06.07.2023 before the police, the complainant L Singh stated that in the morning of 03.07.2023, his co-brother had requested him to stay at his house to take care of his cattle and property as his family was going to Ludhiana on account of death of some relative. On this, the petitioner along with his wife had gone to the house of his co-brother while leaving his daughter “R” (name withheld) and son to the house of his own father. At about 5 PM, his son came to him and informed that “R” had gone missing. He alleged that they had started making search for “R” but could not find her. Then he had come to know that the accused Kiran Kaur who is daughter of his neighbour Major Singh and lives in Ludhiana as well as Manjot Kaur daughter-in-law of Major Singh had taken away his daughter by inducing her for some immoral purpose. On his complaint, initially, a case under Sections 363 and 366-A of IPC was registered. Investigation proceedings were initiated.

3. As per the further allegations, the victim was recovered on 07.07.2023. She was brought to Judicial Magistrate, Mansa and recorded her statement under Section 164 of Cr.P.C. disclosing that she had been induced by the accused 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 accused Kiran Kaur. She also disclosed that the accused Kiran Kaur kept on

Neutral Citation No.2024:PHHC:021148

shifting her to different hotels at different places. In the meanwhile, her father had called accused Kiran Kaur but she had refused that the victim was with her. She stated that on asking of accused Kiran Kaur she was made to leave the hotel at Chandigarh wherein she had come to stay with accused Kiran Kaur and thereafter by making call to her cousin sister Nisha, she had been brought back to her house. Investigation proceedings were initiated. The petitioner and the co-accused Kirna @ Kiran Kaur were arrested on 07.07.2023. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented against them and presently, they are facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner-Manjot Kaur alias Harpreet Kaur that she has been falsely implicated in this case. She was simply named in the FIR. In her statement recorded under Section 164 of Cr.P.C., the victim had not uttered even a single word against her. The trial was likely to take time. Her involvement in the kidnapping/abduction of the victim has not at all been proved even prima facie. 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. Per contra, learned State counsel has argued that there are serious allegations against the petitioner. The statement of the victim is yet to be recorded in Court. The complicity of the petitioner in the subject crime has been established during the course of investigation.

Neutral Citation No.2024:PHHC:021148

Therefore, he has argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the material placed on record carefully.

7. As per the allegations in the FIR, the victim who was a 12 year old girl of tender age had gone missing from the house of her grandfather in the absence of her parents and the co-accused Kiran Kaur @ Kirna and the present petitioner had a hand in her kidnapping and they had induced her to leave her house. The trial has commenced. However, on a perusal of statement of the victim as shown to have been recorded under Section 164 of Cr.P.C., it is not at all revealed that the petitioner had connived with the co-accused Kiran Kaur either in the kidnapping of the victim or she had induced her with the intent to compel her to be married with any person against her will, to force her to have illicit intercourse with someone else or for any other immoral purposes. She is in custody since 07.07.2023. The trial is likely to take time. In my opinion, the further detention of the petitioner would not serve any useful purpose. The bail is the rule and jail is an exception. Keeping in view the discussion as made above, I am of the considered opinion that it is a fit case for extending benefit of bail to the petitioner. Hence, the petition is allowed qua the petitioner-Manjot Kaur alias Harpreet Kaur and she is admitted to bail subject to her furnishing personal as well as surety bonds to the satisfaction of learned trial

Court/Illaqa Magistrate.

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

14.02.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No