

Sr. No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52525-2023
Date of decision: 22st March, 2024

RAMANDEEP KAUR @ RAMANJEET KAUR
@ RAMANJIT KAURPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.24 dated 26.03.2023, under Sections 376, 506, 323, 120-B IPC, 1860 and under Sections 3, 4, 6 of POCSO Act (Amended 2012, 2016), registered at Police Station Sudhar, Police District Ludhiana Rural, District Ludhiana (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner is in custody since 26.03.2023 and she is not the main accused. She is of marriageable age and earlier, even her marriage was scheduled. However, the petitioner is in custody for more than 11 months due to the pendency of the present FIR. The main accused is already in custody.
3. Learned State counsel has opposed the bail application on the ground of gravity of allegations levelled against the petitioner. Learned State counsel informed that challan has been presented and charges have been framed by the trial Court. Out of total 11 witnesses, none has been examined.

4. Learned State counsel has filed custody certificate of the petitioner/accused Ramandeep Kaur, reflecting that the she is in custody for the last 11 months 28 days.
5. I have considered the aforesaid contentions.
6. The FIR was registered at the instance of the mother of the prosecutrix. The age of the prosecutrix is 16 years. There are allegations that the petitioner, along with her co-accused, conspired the commission of rape upon the minor. The main accused has already been arrested. As per the status report filed by way of affidavit of Sh. Amandeep Singh, PPS, Deputy Superintendent of Police, Dakha, District Ludhiana (Rural), the prosecutrix refused for her medical examination. Out of total 11 prosecution witnesses, none has been examined. There are no allegations of sexual abuse against the petitioner. The allegation that the petitioner assisted the co-accused Raj Kumar is matter of trial.
7. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. Out of total 11 prosecution witnesses, none has been examined. Conclusion of trial is likely to take time. The petitioner is a female. She is in custody for the last more than 11 months and she is not the main accused. There is no apprehension of absconding the petitioner, as such, keeping in view the above facts and without commenting on the merits of the case, the present petition is allowed.
8. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM, concerned.
9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22st March, 2024

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SIMRANDEEP KAUR
2024.03.23 16:09
I attest to the accuracy and
authenticity of this
order/judgment

Whether speaking/reasoned
Whether reportable

: *Yes/No*
: *Yes/No*