

CRM-M-49069-2025

Kulwinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Ms. Arti Kaur, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks pre-arrest bail in case bearing FIR No. 23 dated 10.04.2024 registered under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 376, 120-B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, Police Station Balachaur, District SBS Nagar, Punjab. This is the second petition for anticipatory bail, the first one was dismissed as withdrawn vide order dated 19.12.2024.

2. Learned counsel for the petitioner argued that as per allegations in FIR, the marriage of the minor victim was solemnized with one Purshotam. It was argued that petitioner was not named in the FIR and was roped in later. She had no criminal antecedents and had nothing to do with the alleged occurrence. Her name was introduced subsequently with oblique motive due to party faction in the village. She contends that petitioner was the sister-in-law of said Purshotam and the role attributed to her in the statement under Section 183 BNSS was that she instigated the victim to establish physical relations with her husband, Purshotam. It was pointed out that after framing of charges, prosecution had examined the victim who resiled completely from prosecution case and also denied her marriage with the main accused. Even complainant Birj Kaur @ Birjo did not support



prosecution case and resiled therefrom. She thus, prayed that petitioner be enlarged on anticipatory bail.

3. Notice of motion.

4. Mr. Kunwarbir Singh, AAG Punjab accepts notice on behalf of respondent-State and submits that the petitioner was attributed specific role of instigating the victim to have physical relations with the main accused, in statement under Section 164 Cr.P.C. of the minor victim. Allegations being serious, she did not deserve the concession of anticipatory bail.

5. The case was registered on complaint of one “B” who alleged that the minor victim “A”, date of birth 13.01.2011, was living with her maternal grandmother “B” in Village “M”. Said maternal grandmother “B” along with middleman Paali, Paramjit Kaur wife of Manjit Singh, Purshotam son of Gurbachan Singh, Gurbachan Singh son of Shava performed marriage of the minor victim with Purshotam at Gurudwara Ramgarhia Sabha, Gahoon Road, Balachaur on 24.01.2024.

6. Statements of minor victim and complainant have been recorded during the trial, in the case pending against main accused. Both of them have not supported prosecution case. Petitioner is not named in the First Information Report and has been involved subsequently. Considering the nature and substance of allegations against the petitioner it is a fit case to extend the benefit of anticipatory bail.

7. In the facts and circumstances of the case but without commenting on merits, lest it would prejudice the case of either party, the application for anticipatory bail is allowed and it is ordered that in the event of arrest, the petitioner shall be released on anticipatory bail subject to her furnishing personal and surety bonds to the satisfaction of the

Arresting/Investigating Officer. Petitioner shall join investigation within a week or when called upon to do so and shall abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

03.09.2025				(SHALINI SINGH NAGPAL)
Sumit Singla	Whether Speaking/Reasoned	:	Yes/No	JUDGE
	Whether Reportable	:	Yes/No	