

Harjit Kaur vs State of Punjab

FIR No.69/2018 of PS Goindwal Sahib

Under Section 363/366-A/376/120-B IPC & Sec. 6 POCSO Act.

Present: Sh.Mohit Arora Advocate counsel for accused-applicant.
Smt.Ramneet Kaur, APP for the State.

Accused Harjit Kaur having been nominated as one of the accused in case FIR No.69 dated 10.05.2018 of PS Goindwal Sahib registered Under Section 363/366-A/376/120-B IPC and Section 6 POCSO Act, 2012, has come up with present application Under section 439 Cr.PC, praying for her release on regular bail with the submissions that she is lying lodged in custody since 23.12.2020 and she is quite innocent and falsely implicated in the present case.

Upon notice of the bail application records of the case have been produced before me which I have perused carefully and have also heard Ld.Counsel for accused and Ld.APP for the State.

As per records, the present FIR was got registered by one Ajaib Singh and as per version of complainant, his grand daughter was claimed to have left house for some unknown destination on the intervening night of 02.01.2018 and as a result of inquiry claimed to have been made by him, he expressed firm-faith that his minor grand daughter has been enticed away by Jaswant Singh son of Kashmir Singh in connivance with his mother Harjit Kaur, present accused. During the course of investigation, minor grand daughter of complainant was recovered by investigating agency and her statement Under section 164 Cr.PC was also got recorded. As per statement of the victim, she was taken away by co accused Jaswant Singh while accompanied by three other youths who had masked their faces and they all took her to a rented room at Amritsar where only victim and co accused Jaswant Singh were left while his accomplices came back. She further stated that on the same night co accused Jaswant Singh had forcibly committed rape upon her and at that time, he was talking to his mother. Thus, from the testimony of victim, all that emerges out is that the allegations against this accused is that when co accused Jaswant Singh had kept the victim in rented room at Amritsar, he used to talk to his mother and she also used to pay visit to them for which present accused-applicant is lying lodged in custody since 23.12.2020.

Keeping in view the nature of allegations made against her, there being no allegation by the victim with regard to conspiracy on the part of this accused-applicant as far as the act of abduction of victim by co-accused Jaswant Singh is concerned, I am of the considered view that further detention of the accused is not justified. Accordingly, bail application of accused is hereby allowed and she is ordered to be released from custody on her furnishing personal bonds in sum of Rs.75,000/- with one surety in the like amount to the satisfaction of Ld.Ilaqa/Duty Magistrate. File be consigned to the Record Room.

Pronounced
01.03.2021

Charanjeet Arora
Additional Sessions Judge
Tarn Taran