

ITEM NO.4

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).15265/2023

(Arising out of impugned final judgment and order dated 03-11-2023 in CRM-M No. 14673/2023 passed by the High Court Of Punjab & Haryana At Chandigarh)

KAMALJIT KAUR

Petitioner(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

(IA No.244833/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Rishi Malhotra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Rishi Malhotra, learned counsel appearing for the petitioner.

2. Praying for pre-arrest bail for the petitioner who is a lady aged about 61 years, Mr. Malhotra submits that all the other Sections in the FIR are bailable barring the charge under Section 376(2)(n) IPC. Insofar as the non-bailable charge is concerned, the counsel relies on the decision in the case of *Priya Patel vs. State of Madhya Pradesh* [2006 (6) SCC 263] to argue that a woman cannot be charged with committing rape. With this, notwithstanding

the possible role in violation of the victim by co-accused, the learned counsel would submit that the petitioner - who is an aged woman is entitled to be considered favourably, for pre-arrest bail.

3. Issue notice, returnable in four weeks. Dasti notice on the Standing Counsel for the State, in addition.

4. In the meantime, the petitioner is protected from arrest. But she is expected to cooperate with the investigation of the crime.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR