



CRR-2433-2025

-1-

110

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2433-2025

Date of Decision:-29.09.2025

Gurvinder Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner-Gurvinder Kaur has filed criminal revision against impugned order dated 16.09.2025 passed by learned Additional Sessions Judge, Bathinda dismissing the application filed by petitioner/accused under Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 for her discharge in FIR No.101 dated 02.06.2025, under Section 74, 351(2) of BNS, 2023, Section 10 of Protection of Children from Sexual Offences Act 2012, registered at Police Station Nehianwala, District Bathinda and thereafter, the charges are framed against the petitioner/accused under Section 17 of POCSO Act vide aforesaid impugned order.

2. The brief facts narrated in FIR No.101 dated 02.06.2025 (Annexure P-2) are that the victim/complainant 'G.K.', aged about 13 years, gave her statement that her date of birth is 23.12.2011. She was studying in 8th class. Her elder sister 'A.K.' was 22 years of age and younger brother 'P.S.' was 11 years of age. Earlier, they were residing in



CRR-2433-2025

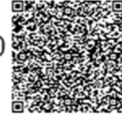
-2-

village Channu, District Sri Muktsar Sahib. Her father expired on 22.04.2014 and they along with their mother shifted to Omax City Goniana Mandi, Bathinda in the year 2015. All children were looked after by their mother. Their mother introduced them with a person namely Subhash Punia and later they came to know that there was illicit relationship between their mother and said Subhash Punia. He started visiting their house and lived for one week or more. She objected to her mother regarding the visit of said person in their house and in return, both sisters were beaten up. They were watching everything happening in the house. For the last about 2-3 years said Subhash Punia started harassing her and told her to address him as 'daddy'. She had a talk with her mother who also told her to address him as her father. He started living with her mother openly. He forced his elder sister to consume liquor. He was keeping bad eye towards her. When she disclosed all these facts to her mother, she was beaten up. Their mother kept on watching everything. On 04.05.2025, Subhash Punia came to their house in the absence of their mother. He indulged in obscene acts with her. She, being alone in the house, could not do anything. On 06.05.2025, her mother and Subhash Punia were present in the house and she was told by her mother to obey the commands of Subhash Punia. At about 11:00 AM, at the instance of her mother, Subhash Punia caught hold of her from back side and started touching her private parts in an inappropriate manner. Her mother also gave her beating and threatened to turn her out from the house. On 02.06.2025, she disclosed everything to her aunt/Tayi Veerpal Kaur and finally, the matter was reported to the police.

**CRR-2433-2025**

-3-

3. Learned counsel for petitioner argued that all allegations levelled against the petitioner are false. She is the mother of the alleged victim/complainant. After the death of her husband, land dispute took place with the other co-sharers. She gave her share for cultivation to Subhash Punia and for this reason, Gurvinderpal Singh nourished grudge towards her and co-accused Subhash Punia. The elder daughter of the petitioner was friendly with Sukhvinder Singh Bhullar who had returned from Canada. Gurvinderpal Singh (brother-in-law) came to know about family dispute and he started influencing her daughters. The elder daughter lodged false FIR No.74 dated 12.05.2025 under Section 74, 61(2) and 351(2) of BNS 2023 and subsequently the victim/complainant i.e. younger daughter of the petitioner also levelled vague and false allegations against the petitioner and lodged the present FIR. Petitioner Gurvinder Kaur had given one representation to Senior Superintendent of Police, Bathinda (Annexure P-3). Without considering the factual position, challan is presented under Section 193 BNSS against the petitioner (Annexure P-4). Petitioner again filed application under Section 250 of BNSS 2023 for her discharge (Annexure P-5). Reply to said application is Annexure P-6. Without considering the factual position, said application was declined and the order is passed to frame charge-sheet against the petitioner under Section 17 of POCSO Act 2012 vide impugned order dated 16.09.2025. Learned counsel for petitioner argued that all allegations levelled against the petitioner are vague and baseless. There is nothing on record to constitute abetment on the part of petitioner for the commission of alleged offence. There was no overt act on the part of petitioner to hold her liable for the



CRR-2433-2025

-4-

offence under Section 17 of POCSO Act. Therefore, neither the facts of the case nor the provisions of Section 107 of IPC were rightly appreciated for passing impugned order and the application for discharge was wrongly declined. The charge-sheet has been framed under the provisions of Section 17 of POCSO Act.

4. On advance notice, Mr. Jasjit Singh Rattu, DAG, Punjab appears and accepts notice. The factual position as referred above is confirmed. It is pointed out that challan is presented only against the present petitioner whereas co-accused Subhash Punia is absconding and he is kept in column No. 2 of the challan report. On his arrest and on completion of investigation, supplementary challan will be presented.

5. I have considered the arguments and have gone through the record carefully. FIR No.101 dated 02.06.2025 (Annexure P-2) has been lodged on the statement of minor victim who is about 13 years of age. After the death of her father, the entire family shifted to Bathinda where Subhash Punia started visiting their house. As per the version of victim/complainant, the children realized that their mother was having illicit relations with said Subhash Punia who started staying in their house from time to time. The victim/complainant categorically stated that for the last about 2-3 years, she was being harassed by said Subhash Punia and whenever she had a talk with her mother, she did not listen to her and even gave her beating. In the FIR, the complainant has mentioned incidents of 04.05.2025 and 06.05.2025 when she was sexually assaulted by accused Subhash Punia. It is further alleged that on 06.05.2025, mother of the complainant was also present there. Therefore, the victim/complainant has



CRR-2433-2025

-5-

levelled specific serious allegations against the present petitioner. As per the facts, she knowing fully well about the conduct of Subhash Punia remained mum and took the side of co-accused. Finally, the victim/complainant approached her paternal aunt Veerpal Kaur and the matter was reported to the police. The main accused is yet to be arrested and the present petitioner has been challaned in which she filed an application under Section 250 of BNSS (Annexure P-5), seeking her discharge. After getting reply, the same was declined by passing impugned order dated 16.09.2025. Abetment is defined under Section 16 of the POCSO Act, which runs as under:-

“Section 16. Abetment of an offence.

A person abets an offence, who--

First.-- Instigates any person to do that offence; or

Secondly.-- Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.-- Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.--A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.--Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.--Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other

**CRR-2433-2025**

-6-

forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.”

Abetment is made punishable under the provisions of Section 17 of the POCSO Act. For the purpose of framing chargesheet, only prima facie case is to be seen. In the FIR lodged at the instance of victim/complainant, present petitioner is specifically named and specific role is attributed to her.

6. Considering the aforesaid factual position, order dated 16.09.2025 passed by the learned Additional Sessions Judge, Bathinda is fully justified, it does not require any interference and the same is accordingly upheld. With this observation, present petition is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

29.09.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No