

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 22779 of 2015 (O&M)

Date of decision : September 01, 2015

Nirmala

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manoj Kaushik, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.33, dated 12.2.2015, registered under Sections 376, 342, 506, 120-B of the IPC and Sections 3/4 of the POCSO Act, and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Police Station Hassanpur, District Palwal.

Counsel for the petitioner, in terms of the order dated 21.7.2015, has placed on record copy of the statement of the prosecutrix under Section 164 of the Cr.P.C.

Counsel for the petitioner has argued that as per the prosecution, the complainant was going to village Maholi, to a friend's

house, when by chance the petitioner and the main accused Hukma met her while they were coming on a motor cycle. They asked her where she was going and then offered her a lift but instead of taking to village Maholi, she was taken to a kotha on some land which the co-accused Hukma had taken on lease, where she was raped. As per the learned counsel, there is no connection between the petitioner and Hukma. Even otherwise, there was no occasion for the petitioner to have helped Hukma in this chance encounter with the young complainant, more-so since the petitioner is a married lady having her own life and there is no earthly reason why she would help Hukma to rape the complainant. The petitioner has now been in custody for almost seven months.

Learned counsel for the State of Haryana, on instructions from ASI Subey Singh, has accepted that the petitioner and Hukma are just co-villagers and that the petitioner is a married lady, and as per the prosecution, it was a chance encounter.

Without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

September 01, 2015
'kk'