

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

CRM-M-26422-2015 (O&M)

Date of Decision: October 08, 2015

Rekha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Rana, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

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- 1. Whether Reporters of local papers 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?**

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Rekha, wife of Mukesh, resident of village Darana, Police Station, Hussanpur, District Palwal, who has been booked for having committed the offences punishable under Sections 120-B, 376-D and 506, IPC, and Section 4 of the Protection of Children from Sexual Offences Act, in a case arising out of FIR No.86, dated 23.05.2014,

registered at Police Station, Hassanpur, District Palwal.

Learned counsel contends that it is the second regular bail petition filed on behalf of the petitioner. The earlier petition was dismissed as withdrawn without arguing on merits. He further points out that vide order, dated 16.09.2015, the learned trial Court has granted bail to Navin @ Narender, one of the persons, who had actually committed rape on the prosecutrix. In support of his contention, he has produced a certified copy of the order, dated 16.09.2015, passed by learned Additional Sessions Judge, Palwal, which is taken on record. He further points out that the petitioner is a woman and only allegation against her is that she called the prosecutrix at her house where the co-accused of the petitioner committed rape upon her (prosecutrix).

Learned counsel for the State, after taking instructions from ASI Brahm Pal, Police Station, Hassanpur, District Palwal, has not controverted the factual aspects raised by learned counsel for the petitioner.

In view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Rekha, wife of Mukesh, resident of village Darana, Police Station, Hussanpur, District Palwal, is ordered to be released on bail during

pendency of the trial of the present case subject to her furnishing bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Palwal.

October 08, 2015
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(NARESH KUMAR SANGHI)
JUDGE