

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33295 of 2015

.....

Date of decision:5.10.2015

Satya Wati

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Ajay Singla, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab for the respondent-State.

Mr. Shivoy Dhir, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.82 dated 28.3.2015 registered for the offences under Sections 363, 366, 120-B IPC (and Sections 376 and 346 IPC, which were added later on) at Police Station Salem Tabri, District Ludhiana City.

Learned counsel for the petitioner argued that at the most it can be a case of consent. Learned counsel for the petitioner also argued that there is a delay of six days in recording the FIR, which is not properly explained.

Notice of motion.

On the asking of the Court, Mr. B.S. Bhullar, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and accepted notice. Mr. Shivoy Dhir, learned Advocate has put in appearance on behalf of the complainant. They contested this petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that the age of the prosecutrix as per FIR is about 23 years. The present petitioner is not named in the FIR. The allegation against the present petitioner is only connivance in the offence. The prosecutrix had remained with the main accused for about more than three months.

The petitioner is in custody since 9.8.2015. She is not required for interrogation or investigation purposes as she is in judicial custody. Nothing is to be recovered from her. The main offence under Section 376 IPC cannot be against the petitioner as she is a lady. The only allegation is regarding connivance of the present petitioner. She is not even named in the FIR. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal bond in the sum of ₹50,000/- with

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one surety in the like amount to the satisfaction of the trial Court/Duty
Magistrate.

October 5, 2015.

(Inderjit Singh)
Judge

hsp