

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

Crl. Misc. No.M-1341 of 2016

Date of Decision: 19.01.2016

Pinki

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sanjay Vashisth, Advocate
for the petitioner.

Ms. Neelam Kashyap, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.000 dated 26.08.2015 under Sections 366, 506, 376(d), 328, 342 IPC and Section 67 of I.T. Act at Police Station City Jind, District Jind (subsequently transferred and converted as FIR No.1184 dated 27.08.2015, Police Station City Panipat, District Panipat) and challaned under Sections 376(d), 328, 366, 342, 506, 384, 120-B and 376(2)(n) IPC during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case because of Section 120-B IPC, whereas, no role has been attributed to him. The only allegation has been levelled in the statement recorded under Section 164 Cr.P.C is that the petitioner contacted the complainant and demanded an amount of ₹ 5,000/- from her. Petitioner is a young lady of 24 years of age and is having pregnancy of more than 19 weeks as reflected in the report given by the doctor

(Annexure P-3). Challan has been presented and the charges have also been framed. Trial may take some long time to conclude. Learned counsel further submits that the petitioner is also having a child of about 3½ years of age with her in jail and it would not be in the interest of the child as well as the baby in the womb, in case, she is kept in custody any further.

Learned counsel for the respondent-State opposes the bail of the petitioner keeping in view the seriousness of offence as the petitioner had played an active role as reflected in the disclosure statement. The name of the petitioner has specifically been mentioned in the FIR also.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as the statement recorded under Section 164 Cr.P.C and the disclosure statement.

Admittedly, the petitioner is in custody since 31.08.2015 and is having pregnancy of more than 19 weeks as has been mentioned by Medical Officer, District Prison, Karnal vide his report dated 11.12.2015 (Annexure P-3). It is also not disputed that a child of about 3½ years of age is with her in jail.

Keeping in view the facts and circumstances of the case as mentioned above, the present petition is allowed and the petitioner is directed to be released on interim bail for a period of six months on her furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is also made clear that the petitioner is at liberty to move an application for grant of regular bail subsequently under the changed circumstances.

19.01.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE