

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

**Crl. Misc. No.M-2811 of 2016**

Date of Decision: 21.04.2016

Priya @ Pooja

....Petitioner

Versus

State of Punjab

....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:- Ms. Divya Sharma, Advocate  
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab  
for the respondent-State.

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**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.71 dated 02.05.2015 registered under Sections 376, 343, 506 and 120-B IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Kharar, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no role was played by her. The only allegation against her is that the victim remained with her, whereas, there was a love affair between the victim and accused-Dalwinder Singh @ Ginni. The petitioner is a girl and there cannot

be any role of her in the commission of offence under Section 376 IPC. Learned counsel further submits that the FIR, in question, was registered after a delay of 20 days which has not been explained. She further submits that the victim has also been examined and there is no possibility that the petitioner may influence the witnesses.

Learned counsel for the respondent-State has not disputed the role of the petitioner and stage of the trial. All witnesses have been examined and the case is now fixed for recording of statements of defence witnesses.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as role of the petitioner.

The petitioner has been implicated because of Section 120-B IPC, whereas being lady, there can't be any involvement of her as per allegations of commission of rape. The victim as well as other prosecution witnesses have already been examined and the case is now fixed for recording of statements of defence witnesses. The petitioner is in custody since 02.05.2015 and no useful purpose would be served, in case, she is kept in custody when the statement of the victim has also been recorded.

The petition is, therefore, allowed and the petitioner Priya @ Pooja is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

21.04.2016  
**gurpreet**

(DAYA CHAUDHARY)  
JUDGE