

CRM No. M-30524 of 2016

DECIDED ON: SEPTEMBER 05, 2016

MAINA DEVI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought regular bail in case FIR No. 395 dated 13.07.2016 under Sections 323, 342, 367, 120-B IPC, Section 4 of POCSO Act and Sections 75 and 77 of Juvenile Justice Act, offences under Section 342, Section 4 of POCSO Act and Section 75 and 77 of Juvenile Justice Act stand deleted and the offence under Section 344 and 370-A(2) has been added, Police Station City Fatehabad.

The case of the prosecution is that on July 13, 2016 Inderjit son of Bhagirath met the police and informed that Sudhir son of Chhotu Ram had taken his son namely Sanjay from Fatehabad to leave him at village Banmandori, but Sanjay had not reached the home as yet and he has a suspicion that his son had been kidnapped by said Sudhir. Thereafter, search was

conducted and on receipt of information that a boy of Banmandori was lying in the fields of Deeng, the police alongwith Inderjeet reached there and the complainant identified the said boy as his son Sanjay and Sanjay was taken to Civil Hospital, Fatehabad where he was treated and on getting fit Sanjay made statement to the police that one month ago Sudhir, who is son of his Bua took him to his house situated at Harnam Singh Colony, Bighar Road, Fatehabad on the pretext of getting him employed and Sudhir and Maina Devi asked him to bring girls and to leave them on motorcycle for which he would be paid an amount of ₹5,000/- per month for this work and Maina Devi used to come during night and pressurized him to commit sexual intercourse with her. When Sanjay used to resist for the same, he was given threats to be killed and when on 12.07.2016 Sanjay stated to go to his house, Sudhir and Maina Devi did not allow him to go back to his house and gave beatings to him and Sudhir took him to a liquor vend shop and made him pressurized to consume beer and thereafter took him to Bodiwali to Deeng Road and on the way Viold, Ramdass and Deshwali met him and all the four of them made him to consume liquor and they took him to Deeng Road and tied him and gave beatings to him with rubber pipe, danda and iron wire and he became unconscious and they left him there. On the basis of statement of Sanjay, instant FIR was registered.

No doubt, initially the case was registered under Sections 323, 342, 367, 120-B IPC, Section 4 of POCSO Act and Sections 75 and 77 of Juvenile Justice Act but subsequently, the offences falling within the purview of Section 4 of POCSO Act and Sections 75 and 77 of Juvenile Justice Act were deleted and Sections 344 and 370(A)(2) were inserted. Petitioner was arrested in this case on July 13, 2016 and subjected to custodial interrogation. Subsequently, she was remanded to judicial custody meaning thereby, she is no more required

for further investigation.

During the course of arguments it has also emerged that investigation is complete and report under Section 173(2) Cr.P.C has already been presented in the court of Jurisdictional Magistrate and disposal thereof would take sufficient long time. Thus, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

Taking into consideration the above-sated facts and circumstances but without expressing any opinion on the merits of the case, instant petition is allowed and petitioner is ordered to be released on bail at the satisfaction learned trial Court/Duty Magistrate.

SEPTEMBER 05, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No