

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

CRM No. M-10126 of 2017

Date of decision: 05.05.2017

Laxmi Devi

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Harish Nain, Advocate, for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 146 dated 23.11.2016 registered under Sections 376,506 and 120-B of the Indian Penal Code (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act (for short ' POCSO Act') at Police Station Mohana, Sonapat.

Learned counsel for the petitioner vehemently argues that the petitioner has been falsely implicated in this case due to a petition filed by her seeking divorce from her husband-Jasmer. It is submitted that the petitioner filed a petition under Section 13 of the Hindu Marriage Act seeking divorce from her husband-Jasmer on 04.08.2016. Notice was issued in the said divorce petition on 14.09.2016 for 15.11.2016. The victim is none other but the real sister of the petitioner's husband. The victim has named the petitioner, the petitioner's real brothers along with Jasmer and others. However, out of the eight persons named in the FIR, five have been found innocent. Jasmer i.e the victim's brother and the petitioner's husband is one of the accused found to be innocent. It is only the petitioner and her two real brothers, who are proceeded against. The petitioner, it is submitted, is ready and willing to face trial. There is no question of her influencing any of the witnesses in this case. She has been in custody since 20.12.2016. It is thus,

prayed that this application be allowed.

Learned counsel for the State on instructions from ASI Satish Kumar, Police Station Mohana, Sonapat affirms that the petitioner's husband as well as four others have been found to be innocent and it is the petitioner and her real brothers who are now being proceeded against in this matter. The facts regarding filing of divorce petition by the present petitioner are verified. Final report under Section 173 Cr.P.C. is informed to have been submitted. Charge was framed on 23.01.2017 and the matter is fixed for recording of prosecution evidence. The petitioner is not involved in any other case. No recovery is to be effected from her.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

From the facts and circumstance of the case, it is apparent that the trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer. Therefore, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 146 dated 23.11.2016, registered under Sections 376, 506 and 120-B of the IPC and Section 6 of the POCSO Act at Police Station Mohana, Sonapat subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

05.05.2017
PA

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*

