

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 1536 of 2017(O&M)

Date of Decision: March 24 , 2017.

Deshwati PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.201 dated 27.12.2016 under Sections 363/342/366A/376D/328/120B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, District Palwal.

It is submitted that the petitioner is a cousin sister (Bhua's daughter) of the main accused Jawahar. As per the allegations in the FIR, the main accused Jawahar had taken the complainant to the petitioner's house where they had lived for ten days. It is submitted that the complainant and the petitioner's cousin brother were known to each other and merely because they had stayed at the petitioner's house, she has been falsely implicated in this case.

The petitioner has been in custody since 29.12.2016. Co-accused Jawahar is in

custody. Therefore, this petition be allowed.

Learned counsel for the State, on instructions from SI Devinder Kumar, has opposed this petition while submitting that the person of the complainant has been violated by the main accused in the petitioner's house.

It is however not denied that the final report under Section 173 Cr.P.C. has since been submitted. The petitioner has been in custody since 29.12.2016. No recovery is to be effected from her. Trial in this case is not likely to be concluded in the near future.

There are no allegations on behalf of the State that the 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.

Keeping in view of the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Deshwati is allowed. The petitioner shall be released on bail pending trial subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 24 , 2017.
'om'

(LISA GILL)
JUDGE

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