

Criminal Misc. M- No. 25241 of 2017 (O&M)

Date of decision : September 08, 2017

Smt. Rajbala

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sunil Chaudhary, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 138 dated 07.04.2017 under Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 120 IPC registered at Police Station City Narnaul, District Narnaul.

The petitioner is the mother of the victim in this case. It is submitted that initially the complainant/victim raised allegations only against the co-accused Sukhbir. She did not level any allegations whatsoever against the present petitioner. The petitioner, it is submitted, had been granted divorce from her first husband on 14.10.2014. She alongwith her two minor children out of this wedlock were thereafter living at Narnaul. The custody of the minor child was handed over to the natural father (petitioner's erstwhile husband) of the victim after registration of this FIR.

Thereafter, when the victim was in the custody of her natural father, her supplementary statement was recorded on 12.04.2017 wherein it is alleged

that the offence in question was committed with the active connivance of the present petitioner. It is urged that there is another criminal case, which was earlier initiated against the petitioner by her first husband. She is facing trial in that case. After having taken the custody of the victim, the petitioner has been falsely implicated in this case as well. She being the mother would never have condoned any such acts qua her child. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that at the outset the petitioner was not named by the victim and it is subsequently on 12.04.2017 that the victim has inculpated the present petitioner. It is affirmed that at the time of recording of the supplementary statement, the victim was in the custody of her natural father. Learned counsel for the State, on instructions, from ASI Satyawan, verifies that final report under Section 173 Cr.P.C. has been presented.

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.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 08, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No