

CRM-M-25578-2017

Date of Decision : 22.08.2017

Meena

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Naveen Kumar Jaglan, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.262 dated 02.04.2017 under Sections 370, 370-A, 372, 34 IPC, Sections 3, 4 and 6 of the Immoral Traffic Act, Section 6 of POCSO Act and Sections 23 and 26 of Juvenile Justice Act registered at Police Station Model Town Panipat, District Panipat.

It is contended that the petitioner has not been named in the FIR or even in the statement of the victim under Section 164 Cr.P.C (Annexure P-4). The petitioner's name surfaced for the first time in the disclosure statement of the co-accused-Aarti (Annexure P-5). It is submitted that there is no other evidence on record to connect the present petitioner with the offence in question. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Rajbir, affirms the factual position as above. No other evidence apart from the said disclosure statement has been pointed out against the petitioner. Final report

under Section 173 Cr.P.C, it is verified, has been presented against the petitioner. It is further verified that the petitioner is not involved in any other criminal case.

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. Trial in this case is not likely to conclude in near future.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by the petitioner is allowed. 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 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.

(LISA GILL)
JUDGE

22.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No