

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

**Criminal Misc. No.M-45946 of 2017(O&M)
Date of Decision: December 19, 2017.**

Kajal Kumari

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Balkar Singh, Advocate
for the petitioner.

Mr.Ramesh Kumar, AAG, Haryana.

LISA GILL, J.

The petitioner who is the maternal aunt (Massi) of the alleged victim seeks the concession of bail pending trial in FIR No.209 dated 23.05.2017, under Sections 363, 366-A, 34 IPC, registered at Police Station Civil Line, District Sonapat.

It is submitted that no offence punishable under Sections 363, 366-A, 34 IPC, is made out against the petitioner. The petitioner, it is submitted has wrongly been nominated as an accused in this case. Even, as per the allegations in the FIR, the present petitioner is stated to have been taken away by the co-accused-Vikas. The present FIR has been registered due to certain misunderstandings within the family. It is further submitted that the petitioner is in an advanced stage of her pregnancy i.e. her six month. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Satpal,

verifies that the petitioner is not involved in any other criminal case. She is in the sixth month of her pregnancy. Final report under Section 173 Cr.P.C., in this case has since been presented.

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 Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

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 petitioner-Kajal Kumari, 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.

19.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.