

Criminal Misc. M- No. 5893 of 2017 (O&M)

Date of decision : March 23, 2017

Geeta

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 121 dated 20.09.2016 registered under Section 306 IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 at Police Station GRP, Faridabad.

As per the allegations in the FIR, the petitioner's son used to tease the deceased, who was the niece of the complainant. When complaint in this regard was made to the petitioner, she did not take any action but on the contrary levelled allegations against the deceased herself. The complainant's niece was found dead on a railway track on the intervening night of 19/20.09.2016. It is alleged that the complainant's niece committed suicide on account of the behaviour of the petitioner and her son. Learned counsel for the petitioner submits that it is debatable as to whether the ingredients of Section 306 IPC are made out against the petitioner in this case. It is argued that as per the post mortem report, the possibility of the

injuries suffered by the deceased due to a railway incident cannot be ruled out. In fact, the deceased and the petitioner's son had a liking for each other as is reflected in the letter (Annexure P-2) (purportedly written by the deceased). As both of them were very young, the family of the deceased were opposed to it. Furthermore, prosecution witnesses are not coming forward to depose before the learned trial Court. Reference is made to order dated 14.12.2016 and 30.01.2017 passed by the learned trial Court. It is submitted that even on the last date of hearing i.e. 15.03.2017, no witness was examined. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Dumar Singh, has not denied that none of the prosecution witnesses has since been examined. The post mortem report is also not in dispute. The petitioner, who is a lady, is in custody since 20.09.2016. The final report under Section 173 Cr.P.C. has been filed. Charge has been framed against the petitioner. Prosecution evidence is yet to be led. The trial is not likely to conclude in the near future.

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. 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 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 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.

March 23, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No