

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

Criminal Misc. No.M- 6612 of 2017(O&M)

Date of Decision: March 7 , 2017.

Nisha PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. V.P.Sangwan, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.63 dated 30.7.2016 under Sections 120B/365/376(2) IPC registered at Police Station Women Bhiwani, District Bhiwani subsequently added Section 506 IPC.

It is submitted that the Challan/report under Section 173 Cr.P.C. was submitted by the police against co-accused Yashbir @ Palhad. The petitioner was never sought to be arrested at the initial stage. Now non-bailable warrants have been issued against her. It is further submitted that the prosecutrix has not supported the prosecution version when she deposed as

PW1 before the learned trial court. Furthermore, the alleged allegations against the present petitioner do not disclose the commission of any of the aforementioned offences. It is submitted that the petitioner is not running away from the trial in any manner. She has been residing at the given address ever since the registration of this FIR. No recoveries are to be effected from her.

Learned counsel for the State, on instructions from ASI Indira Wati, affirms that co-accused Yashbir @ Palhad is facing trial. It is not disputed that the prosecutrix (PW1) as well as her mother (PW2) and her husband (PW3) have not supported the prosecution case. It has also been affirmed that the petitioner was not arrested at the initial stage however, non-bailable warrants have been issued against her.

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.

In view of the above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. In the event of her arrest, the petitioner shall be released on bail to the satisfaction of Investigating Officer. She shall join investigation as and when required by the Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

March 7, 2017.
'om'

(LISA GILL)
JUDGE

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