

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

CRM-M No. 8546 of 2017(O&M)

Date of decision: 1.5.2017

Santro Devi

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sukhdeep Parmar, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.53 dated 16.02.2017 registered with Police Station City Sangrur, District Sangrur for offence punishable under Sections 376-D, 312 and 149 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner would submit that the petitioner has been indicted in the crime being the mother of Satish Kumar against whom the complainant has levelled allegations constituting offence under Section 376-D IPC. It is further submitted that even if the allegations raised by the complainant with regard to termination of pregnancy by administering tablet at the behest of Satish Kumar and others including the petitioner are taken on its face value, the same, at best, constitute offence under Section 312 IPC, non-cognizable and bailable. It is further submitted that custodial interrogation of the petitioner is not required and she is ready to face the proceedings, in accordance with law, without any default.

Counsel for the State has not disputed that the allegations against the petitioner are only with regard to offence punishable under Section 312 IPC.

In view of the above, the petition is allowed. The petitioner is allowed pre-arrest bail with a direction to join investigation within 10 days and on her appearance before the Investigating Officer, she shall be released on bail subject to satisfaction of the investigating officer.

However, the petitioner shall remain bound by the following conditions:-

- (i) She shall join the investigation as and when required by the Investigating Officer.
- (ii) She shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) She shall not leave the limits of this country without prior permission of the Court.

MAY 1, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no