

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

Criminal Misc. No.M- 12400 OF 2018

Date of Decision: April 02, 2018.

KELA DEVI

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: - HON'BLE MRS.JUSTICE LISA GILL

**Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.**

Mr. Anmol Malik, AAG, Haryana.

Mr. Kapoor Singh, ASI.

- 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.

The petitioner who is the mother of the victim/complainant seeks the concession of bail pending trial in FIR No. 702 dated 26.10.2017 under Sections 342, 376(2) (n), 506, 363, 366-A, 120-B of IPC and Section 10 of Prohibition of Child Marriage Act, 2006 registered at Police Station City Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case due to acrimonious relations at that time between the mother and daughter.

However the prosecutrix/complainant while deposing as PW-11 before the

learned trial Court on 22.03.2018 has not supported the prosecution case. The other material witnesses i.e., PW 12, brother of the alleged victim and PW 13, father of the alleged victim (the petitioner's husband) have also not supported the prosecution case. The petitioner's minor grand-daughter (daughter of the complainant) has also testified before the learned trial Court as PW 14. She has not supported the prosecution case. The petitioner undertakes not to misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Certified copies of the statements of PWs 11, 12, 13 and 14 furnished in Court today are taken on record subject to all just exceptions. Learned counsel for the State is unable to deny that the complainant/alleged victim and the other material witnesses have not supported the prosecution case. It is verified on instructions from ASI Kapoor Singh, that the petitioner is not involved in any other criminal case and has been in custody since 27.10.2017.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this 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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition 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.

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

April 02, 2018
tarun sahani

(LISA GILL)
JUDGE