

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

Criminal Misc. No.M- 15583 of 2018(O&M)

Date of Decision: May 15 , 2018.

Rekha @ Raman @ Golu

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

**Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.**

Mr. Anmol Malik, 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.

The petitioner prays for bail pending trial in FIR No.628 dated 02.08.2017 under Section 346 IPC (Sections 328/376(2)(N)/370A IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 4/5/6 of the Immoral Traffic Act were added subsequently), registered at Police Station City, Sirsa.

It is submitted that the petitioner has not been named either in the FIR or in the subsequent statement under Section 164 Cr.P.C. suffered by the

victim. The petitioner is sought to be nominated as an accused merely on the basis of the disclosure statement of co-accused Kuldeep Kaur. No overt act has been attributed to the petitioner. Learned counsel for the petitioner further submits that the petitioner is pregnant and her expected date of delivery is 25.05.2018. She was admitted at Civil Hospital, Sirsa on 29.04.2018 as the petitioner faced some problem. She is presently under observation of the jail medical authorities. The petitioner, it is submitted, is not involved in any other criminal case and she undertakes not to misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Mahender Singh, is unable to deny that the petitioner has not been named either in the FIR or in the statement under Section 164 Cr.P.C. suffered by the victim. The petitioner is indeed nominated on the basis of disclosure statement of co-accused Kuldeep Kaur. It is verified that the petitioner is pregnant with the estimated date of delivery being 25.05.2018.

Petitioner is not reported to be involved in any other criminal case. No useful purpose would be served by keeping the petitioner incarcerated any longer in the peculiar 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 Chief Judicial Magistrate, Sirsa.

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.

May 15 , 2018.
'om'

**(LISA GILL)
JUDGE**

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