

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

CRM-M-36670 of 2018

Date of Decision: October 25, 2018

Sumitra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

This order shall dispose off regular bail application under Section 439 Cr.P.C of the petitioner-Sumitra filed in case FIR No.96 dated 28.02.2018 under Sections 323,376-D,452,506,120-B,216 IPC Police Station, Mohindergarh.

The precise allegations against the petitioner that has come about from the prosecutrix are that on 19th 20th and 26th February, 2018 two boys had ravished her while she was sleeping at her house and who were subsequently identified to be co-accused Amit @ Digha and Rambir @ Huda who are already in custody. The allegations against the petitioner are that she was instrumental in this act and has conspired with her co-accused.

Learned counsel for the petitioner submits that no specific role is attributed to the petitioner in the commission of the offence and there is no evidence of criminal conspiracy nor she has been identified and is behind the bars since long time and that trial is not likely to be

concluded in near future.

Learned State counsel on instructions of S.I. Mahavir Singh, Police Station Mohindergarh has opposed the grant of bail to the petitioner on the grounds that petitioner was instrumental in the commission of crime and that heinousness of the offence does not call for relief of regular bail.

Appreciating the submissions of the two sides, there is no specific role attributed to the petitioner before or after the crime nor as per the own stand of the State she has been got identified and the only semblance of evidence that has sought to be highlighted before this Court by the learned State counsel is statement of her co-accused Rambir Singh @ Huda which is subject matter of judicial scrutiny and that there is no tangible evidence regarding allegations of criminal conspiracy against the petitioner and the petitioner is behind the bars for more than seven months and that the trial is not likely to be concluded in near future. That culpability, if any, shall be determined at the time of trial and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court. However, any observations made herein shall have no bearing on the merits of the case.

(FATEH DEEP SINGH)
JUDGE

October 25, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No