

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

-:-

Crl. Misc. M – 37023 of 2018 (O&M)

Date of decision: 31.08.2018

Jyoti

... Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naresh Kumar, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner-herein in FIR No. 46 dated 17.05.2018 under Section 120-B IPC and Section 8 of POCSO Act, 2012, registered at Police Station Panipat, District Panipat.

Learned counsel for the petitioner contends that reading of the FIR reflects that no role or an offence under Section 376 IPC has been attributed to the petitioner. Infact the only role attributed to her that she had knowledge of earlier incident when the main accused tried to commit rape upon the prosecutrix. He further submits that the petitioner is in custody since 17.05.2018 and the investigation in the said matter has been completed since the challan has been presented. It is also argued that the main accused, namely, Sonu, is still in custody.

Per contra, learned counsel appearing on behalf of the respondent – State opposes the petition.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that the challan has been presented; the petitioner is in custody since 17.05.2018 along with the minor child, no useful purpose would be served by keeping the petitioner behind the bars. At this stage, without commenting anything on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

August 31, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No