

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

CRM-M No.37686 of 2018

Date of decision : 27.11.2018

Ravita

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Jainainder Saini, Advocate for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Ravita has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.713 dated 06.11.2017 registered under Sections 109/115/116/120-B/195/211/384/388/389 of the Indian Penal Code, 1860 (for short the 'IPC'), registered at Police Station – Samalkha, Distt. Panipat, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner herself is victim as FIR No.703 dated 01.11.2017 was got registered under Sections 376, 452, 506 Indian Penal Code by her at Police Station Samalkha as rape was committed by the uncle of the complainant. The petitioner has falsely been implicated in the present case and there is a delay of five days in lodging of the present FIR. Learned counsel also submits that there is no

progress in the rape case and petitioner is behind the bars since 06.11.2017. Sanjay Beniwal who is accused in the rape case is still roaming free and has not been arrested so far. Learned counsel also submits that not only the petitioner but her husband has falsely been implicated in the case. Co-accused namely-Ashok Kuchhal who has filed CRM-M No.21181 of 2018 has been released on regular bail on 11.07.2018.

Learned counsel further submits that the petitioner is mother of five children including one minor who are school going and she has been made as an accused inspite of the fact that she is victim in the rape case. Nothing has been recovered from the petitioner, challan has been presented and no evidence has been collected during investigation.

Learned State counsel has not disputed custody period as well as release of co-accused on regular bail but opposed grant of bail to the petitioner on the ground of recovery of amount from the accused persons.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

Admittedly co-accused namely Ashok Kuchhal has been released on regular bail and petitioner herself is victim as FIR was got registered under Section 376 Indian Penal Code at her instance and the accused in that case has not been arrested so far.

By considering the custody undergone by the petitioner and the facts that that she is a woman having five children including minor; and co-accused has been released on regular bail, the present petition is allowed

and the petitioner is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

27.11.2018

sunil devi

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No