

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

**Crl. Misc. No.M- 45580 of 2018 (O&M)
Date of decision : 22.10.2018**

Rajbala

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashish Naik, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

ANITA CHAUDHRY, J.(ORAL)

The petitioner is seeking regular bail in FIR No. 93 dated 20.04.2018, registered under Section 365 IPC (Sections 328, 342 read with Section 34 IPC and Section 6 of the POCSO Act added later on), Police Station Israna, District Panipat.

Counsel for the petitioner contends that the petitioner is the mother of Pawan and Pawan is accused of kidnapping the girl. The counsel submits that investigation is over and challan has been filed and charge has been framed and the girl was recovered after two days and there are no allegations specially against the petitioner and it only refers to the fact that the petitioner was in the house when the victim regained consciousness.

The statement of the victim recorded under Section 164 Cr.P.C. (Annexure P-2) is available on record. Though in the FIR the complainant had given the age of the victim to be 18 years. The victim had given her age as 17 years and she had stated that she was sleeping at her house and some unknown person gagged her and when she opened her eyes she found that it was Arjun who had gagged her and then she fell unconscious and when she regained consciousness, she found herself in the house of Pawan where three boys and the petitioner were present and she was offered some tea and thereafter she fell unconscious and found herself in the hospital and it was her parents who brought her to the hospital.

The investigation is already over and challan has been presented. The trial would take long time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

22.10.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No