

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

213

Criminal Misc. No.M-6872-2018

Date of Decision: April 17, 2018.

SOMA DEVI

..... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.
Ms. Seena Mand, DAG, Punjab.

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.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.65 dated 08.04.2017 under Section 376, 506 and 34 IPC, registered at Police Station Adampur, Jalandhar.

It is submitted that the petitioner has been falsely implicated in this case. Contentions on behalf of the petitioner as noted by this Court while issuing notice of motion in this case on 19.02.2018 read as under:-

'It is submitted that the petitioner is a 70 years old lady. Even, as per the allegations in the FIR, she had asked the prosecutrix to go and sleep with her granddaughter. Moreover, she was found innocent during investigation and has been summoned to face trial as an additional accused on an application under Section 319 Cr.P.C.'.

Learned counsel for the petitioner submits that the petitioner who was summoned under Section 319 Cr. P.C., has appeared before the learned trial Court on 22.02.2018 pursuant to order dated 19.02.2018 and thereafter has been

appearing regularly. She undertakes to face the proceedings and appear on each and every date fixed before the trial Court and not misuse the concession of anticipatory bail, if afforded to her. Therefore, it is prayed that this petition be allowed.

Certified copy of order dated 22.02.2018, furnished in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI-Jagtar Singh verifies that the petitioner has appeared before the learned trial Court and has been regularly appearing in the said matter. It is further affirmed that the petitioner is a 70 years old lady and is not involved in any other criminal cases.

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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, interim bail afforded to the petitioner pursuant to order dated 19.02.2018 be made absolute subject to her furnishing fresh bail bonds and surety to the satisfaction of learned trial Court.

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.

April 17, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No