

CRM-M-7575 of 2019

[1]

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

CRM-M-7575 of 2019

Date of Decision: 25-02-2019

Kiran

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Gurdarshan S. Sidhu, Advocate
for the petitioner.

Mr.Pawan Garg, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.292 dated 9.7.2018 registered for the offences punishable under Sections 363, 366-A of Indian Penal Code (for short, 'IPC') and 6 of POCSO Act at Police Station City Dabwali, District Sirsa.

Heard.

It is the case of prosecution that petitioner Kiran married Mangaljeet Singh. Petitioner has a minor daughter. Mangaljeet Singh lodged the FIR that the prosecutrix has been kidnapped by one Babbu Singh. However, the prosecutrix suffered a statement which is reproduced in the order of the trial Court in para 7 and this Court would like to reproduce the same herein also:-

“My mother had married Mangaljeet Singh without obtaining divorce from my father Tota Singh. I do not know whether my father Tota Singh has been lodged in District Jail, Sirsa in a criminal case. My mother Kiran and Mangaljeet Singh are doing illegal/immoral works since when I was 13 years old. They are harassing me sexually from many years. I had given history during my medico legal examination due to pressure of my mother Kiran as she had threatened me that she will falsely implicate me and accused Manpreet @ Babbu in some false cases. My date of birth has been recorded less in school record just to obtain benefits of government schemes. I am about 19 years old and my date of birth has been recorded wrongly as 02.12.2001. Accused never induced me to go away from my home and he committed no wrongful act against me. Due to harassment of my mother Kiran and Mangaljeet Singh, I was going to commit suicide and accused Manpreet @ Babbu had met me on the way and I had gone to house of his aunt at Anoopgarh with my free consent. Accused never committed any wrongful act against me.”

On the basis of such a statement, the petitioner has been summoned under Section 319 Cr.P.C. She is the mother of the prosecutrix.

Keeping in view the facts and circumstances of the case and without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Kiran is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437 (3) Cr.P.C.

- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality, the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 25, 2019

(RAJ SHEKHAR ATTRI)
JUDGE

RC

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>