

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

CRM-M-31137-2019 (O&M)
Date of Decision:- 8.11.2019

Anita ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Dahiya, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in case registered vide FIR No.136 dated 19.4.2019 under Sections 323/376/506/120-B IPC at Police Station Kharkhoda, District Sonapat.
2. The FIR was lodged at the instance of the victim wherein it has been alleged that she is aged 19 years and that on 12.4.2019, her aunt Anita called her for cooking food and when she went there, then her maternal uncle (mama) namely Anil who is her aunt's brother entered into the kitchen and while brandishing a pistol committed rape upon her. At that time, the victim's aunt had gone out and when she returned back, the complainant disclosed about the incident to her aunt but she gave beatings to the victim and threatened her not to disclose about the incident to anyone.
3. The learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that in any case, the allegations pertaining

to commission of rape are against the co-accused and the petitioner is being involved on the allegation that she had conspired with the main accused and had threatened the victim not to disclose about the incident to anybody.

4. On the other hand, the learned State counsel while opposing the petition has submitted that since it was on account of the petitioner having called the victim to her home that the rape was committed by the co-accused, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last more than 6 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and while bearing in mind that it is the co-accused who had committed rape and also that the petitioner who is a lady has been behind bars since the last 6 months, further detention of the petitioner would not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.11.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No