

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-49581-2019

Date of Decision:27.11.2019

Jageero

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.160 dated 12.04.2019 under Sections 363, 366-A, 506 IPC and Sections 4 & 17 of the POCSO Act, 2012, registered at Police Station City Tohana, District Fatehabad.

The aforesaid FIR was registered at the behest of Joga Singh who is otherwise brother-in-law(Devar) of the petitioner. As per FIR on 11.04.2019, accused Babu son of Hari Ram who is resident of the same colony had raped the daughter of the complainant in the night of 11.04.2019. The victim is about 15 years of age. The said Babu had visiting terms with the petitioner and in this manner, the petitioner has facilitated enticing the daughter of the complainant and made her to talk with the main accused Babu. The accused Babu had taken away the daughter of the complainant with bad intention and had committed bad act

with her, who is minor girl about 15 years of age.

Learned counsel for the petitioner has argued that the allegation of kidnapping, if any, is against main accused Babu who allegedly enticed the daughter of the complainant and committed rape upon her. The medical report does not support the case of the prosecution. Petitioner is in custody since 13.04.2019 and trial in the case is not likely to be concluded in the near future.

Learned State Counsel, on instructions from HC Rajesh Kumar, does not dispute the custody. However, she submits that victim in the case is about 15 years of age and it is at the behest of the petitioner, main accused has enticed the daughter of the complainant and there are allegations of rape having been committed upon the prosecutrix.

Heard learned counsel for the parties.

Admittedly, petitioner is in custody since 13.04.2019. She is sister-in-law(Bhabhi) of the complainant and the allegations of rape, if any, are against main accused Babu. As against total 15 witnesses cited by the prosecution, only 05 witnesses have been examined in the case. Trial is not likely to be concluded in the near future. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

November 27, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No