

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

CRM-M-14781-2020 (O&M)
Date of decision :15.07.2020

Rajni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Suveer Sheokand, Addl A.G., Punjab.

Mr. Akshay Rana, Advocate
for the victim.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 439 Cr.P.C. seeking bail in FIR No. 29 dated 11.02.2020 registered under Sections 363, 366-A, 120-B of Indian Penal Code (Section 8 of POCSO Act added later on) at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner states that the petitioner is innocent and not named in the FIR. She has been falsely implicated in the present case on the disclosure statement of co-accused Dharminder Singh. She is in judicial custody since 28.02.2020.

On the other hand, learned State counsel has opposed the instant petition. Learned State counsel submits that allegations against the

petitioner are serious in nature.

Heard.

As per the application (Annexure P-5) moved by the prosecutrix for recording her statement under Section 164 Cr.P.C., she has specifically stated that the petitioner never had an evil eye on her and complaint had been made at the asking of Jagir Singh, who has been living with her mother and projecting themselves to be married couple after the demise of her father. Though, the prosecutrix is stated to be 17 years of age and on the verge of attaining majority and her statement before the trial Court was not recorded despite an application made by her (Annexure P-5) and uncertainty on account of pandemic, statements of the PWs are not likely to be recorded in the near future. The Court feels that no useful purpose shall be served by keeping the petitioner behind the bars.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

15.07.2020

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No