

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-15519-2020 (O&M)

Date of Decision: July 17, 2020.

Santosh

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.19, dated 11.01.2020 under Sections 365, 342, 328 read with Section 120-B IPC and Section 6 of the POCSO Act, registered at Police Station Samalkha, District Panipat.

It is submitted that the petitioner has been falsely implicated in this case. She is the married sister of the co-accused Jai Bhagwan. It is submitted that the main allegations have in fact been leveled against the co-accused Jai Bhagwan and his wife Poonam. There is no overt act of kidnapping, enticing the victim or administering toxic substance alleged qua the petitioner. The petitioner is accused of having sheltering the co-accused Jai Bhagwan along with the victim at her residence for a day and that allegation is

also raised on the basis of a disclosure statement of none other but Jai Bhagwan himself. The victim in her statement under Section 164 Cr.P.C. has not raised any allegation qua the present petitioner. It is further submitted that the petitioner has three minor children to look-after and has been in custody since 28.01.2020. Learned counsel for the petitioner also contends, that the complainant i.e. the brother of the victim at the outset has mentioned the victim to be 18 years old, her date of birth being 01.01.2002 but later on the basis of an alleged school leaving certificate, her date of birth is stated to be 10.01.2004. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Rameshwar verifies and affirms that the victim has not raised any allegations qua the present petitioner. It is further verified that the petitioner is not involved in any other criminal case, final report under Section 173 stands presented and no recovery has to be effected from the petitioner.

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.

The petitioner is not involved in any other case and she is in custody since 28.01.2020. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to

her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of her bail.

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.

July 17, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No