

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-15911 of 2020

Date of Decision: 06.07.2020

Gurmeet Kaur @ Priyanka

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Ms. Vijay Lakshmi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.28 dated 08.04.2019 under Sections 6, 8 and 17 POCSO Act and Section 506 IPC registered at Police Station Women, Ambala.

The petitioner is the real *Mausi* of the prosecutrix. As per the FIR, on 30.03.2019 at about 2-00 P.M., the petitioner had come to the house of the prosecutrix. She took the prosecutrix along with her for outing. They boarded a black colour car, in which one lady and driver

were present. They took the prosecutrix to Derabassi Bus Stand, where two boys were already present. The petitioner introduced the prosecutrix to the accused Gaurav and Vishal, residents of Barwala. Both the boys took the petitioner and the prosecutrix on bike for search of a room. In the evening, they sat in the park of a *dharmshala*. Thereafter, at night, they took the prosecutrix to a hotel, where two rooms were booked. The petitioner stayed with co-accused Vishal and when the prosecutrix asked the petitioner to leave her at her house, she forcibly sent her to co-accused Gaurav in another room, where he forcibly established physical relations with her.

Learned counsel for the petitioner has argued that the incident is of 30.03.2019 whereas the present FIR was registered on 08.04.2019. The other co-accused Gaurav has already been granted bail by Additional Sessions Judge, Ambala, vide order dated 18.07.2019, on an application filed under Section 167(2) CrPC. The petitioner is in custody since 11.04.2019. She has submitted that since trial in the case is not likely to be concluded in near future, in the light of circumstances prevailing due to Covid 19, the petitioner be released on bail.

Learned State counsel does not dispute the custody of the petitioner. However, she has submitted that there are serious allegations against the petitioner, as she has facilitated the other co-accused to commit the offence against the prosecutrix. Even otherwise, the prosecutrix was a minor girl and her statement is yet to be recorded before the trial Court. In case the petitioner is enlarged on bail, there is possibility that she may influence the prosecutrix.

I have heard learned counsel for the parties.

Considering the fact that the petitioner, who is real *mausi* of the prosecutrix, is in custody since 11.04.2019 and the co-accused Gaurav has already been granted bail by Additional Sessions Judge, Ambala vide order dated 18.07.2019 under Section 167(2) CrPC, coupled with the fact that trial in the case will take sufficient long time and no useful purpose would be served by keeping the petitioner in custody, this Court deems it appropriate to release the petitioner on regular bail.

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

However, it is made clear that the petitioner shall not try to influence the prosecutrix in any manner.

July 06, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No