

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.16049 of 2020
Date of Decision: July 07, 2020

Roshni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.171 dated 17.02.2020, under Sections 342, 366-A, 354-A, 376, 34 IPC, 1860 and Section 4 of POCSO Act, 2012, registered at Police Station, Model Town, District Panipat. The petitioner is in custody since her arrest on 15.03.2020.

According to the prosecution, on 17.02.2020, complainant presented a complaint to the police to the effect that she is resident of Sondhapur, Panipat. Her parents had gone to the house of her maternal grand-mother. On 16.02.2020 at about 5.30 PM, she went to dump the garbage at garbage dump area, where her aunty Roshni wife of Dharambir met her and took her to the factory of Pawan son of Mahabir, resident of Kavi, where Pawan was already sitting in the room. Thereafter, Roshni pushed her in the room and bolted the room from the outside and Pawan

started molesting her with bad intention and also tried to do wrongful act with her. She cried, then Pawan called Roshni and he ran away from the spot after opening the door. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the complainant in her first version narrated the incident which only amounted to an attempt of rape by co-accused Pawan. He has invited the attention of the Court to the statement of the victim recorded under Section 164 Cr.P.C., wherein she has introduced the improvements. According to him, the petitioner has been falsely implicated in this case as she was working as supervisor in the factory where the alleged incident took place and the victim along with her mother was removed from the job by the factory owner. He has further invited the attention of the Court to the MLR, wherein the victim did not name the person, who committed the alleged act with her on 16.02.2020. According to him, the investigation of the case is complete and, therefore, further custody of the petitioner, who is a lady, may not be required for any useful purpose. Learned counsel prays for grant of regular bail to the petitioner.

On the other hand, Mr.Sukhdeep Parmar, learned Deputy Advocate General, Haryana, who is assisted by ASI Chandi Ram, has not disputed this fact that the investigation of the case is complete as final report was filed on 23.04.2020. He submits that where two versions given by the victim are at material variance, would be seen at the time of the trial. He has opposed the prayer on the ground that the victim specifically named the petitioner, who pushed her in the room where co-accused Pawan was sitting and locked her inside with him.

After hearing the learned counsel for the parties and considering the above background, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after her arrest on 15.03.2020 is presently confined in judicial custody, therefore, her further detention behind the bars may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panipat.

The petition is allowed.

July 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No