

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 16153 of 2020 (O&M)

Date of Decision: 6.8.2020

Saroj Devi

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Partap Singh, Advocate
for the petitioner**

Ms. Dimple Jain, AAG, Haryana

Rekha Mittal, J.

CRM- 17377 of 2020

Allowed as prayed for.

Copy of report under Section 173 Cr.P.C. (Annexure P-3) is taken on record, subject to just exceptions.

Main case

The petitioner prays for grant of regular bail in FIR No. 162 dated 25.2.2020 registered at Police Station, Chandani Bagh, District Panipat for offence punishable under Sections 203, 180, 384, 389, 120-B of the Indian Penal Code, 1860 (in short "IPC") and Sections 7, 8, and 13 of Prevention of Corruption Act, 1988 (in short "the Act").

Copy of reply by way of affidavit of Pooja Dabla, Deputy Superintendent of Police, Crime against Women, Panipat on behalf of respondent-State has been received online.

Counsel for the petitioner would argue that offence under the Act has been registered against co-accused SI Yogesh Kumari. It is further

argued that all the offences under IPC are triable by the Court of Magistrate. It is further argued that petitioner is in custody since 5.3.2020 and no longer required for the purpose of investigation. It is argued that petitioner is a single parent of a child of 17 years of age and as such, custody of the petitioner has an adverse impact on minor son of the petitioner more particularly in a situation created due to Covid-19 pandemic. The last submission made by counsel is that petitioner is a permanent resident of the given address and as such, there is no question of her fleeing from process of justice, in case enlarged on bail.

Counsel representing State of Haryana while referring to the reply filed by Deputy Superintendent of Police, Crime against Women, Panipat would inform that as many as nine cases were registered at the behest of petitioner in different police stations levelling allegations of sexual assault but in most of the cases, the petitioner later withdrew from allegations raised in the FIR either by compromising the matter or failing to support the prosecution. It is further argued that offences against the petitioner have been registered when she was found to be telling lie in respect of her allegations on the basis whereof initially case was registered under Sections 328, 376-D and 506 IPC. It is argued that keeping in view mala fide intention and previous conduct of the petitioner, she does not deserve to be extended benefit of bail.

Counsel for the petitioner, in reply, would argue that most of the cases to which reference has been made in the reply, were got registered against one person namely Jatinder @ Kala with whom the petitioner developed relationship on account of her previous marriage resulting in divorce. It is further argued that one of the cases mentioned at Sr. No. 4 at

page 15 of the reply, was registered against Paramjeet @ Sonu and he has been convicted and sentenced by the Court at Delhi.

Counsel for the State, in reply, has not refuted contentions of counsel for the petitioner but would state that another FIR with regard to theft of electricity has been registered against the petitioner.

Concededly, on due investigation, challan has been presented in the court and conclusion of trial is likely to take its own time. There is no allegation that petitioner is likely to tamper the prosecution evidence or flee from process of justice, in case enlarged on bail. The trials in criminal cases are not progressing on account of scenario created due to Covid-19 pandemic.

Without meaning to express any opinion on merits of the case, the petitioner is ordered to be enlarged on bail, subject to her furnishing bail bonds/surety bonds to satisfaction of the trial court/Additional Sessions Judge (on Duty), Panipat. However, she shall abide by the following conditions:-

- (i) She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) She shall not leave India without previous permission of the Court.

(Rekha Mittal)
Judge

6.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No