

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

CRM-M-18654-2020 (O&M)

Date of decision : 26.08.2020

Rajni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Suresh Ahlawat, Advocate,
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. P.R. Yadav, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.26 dated 22.01.2020 registered under Sections 346, 363, 366-A and 506 of the Indian Penal Code (for short, 'the IPC') and Sections 6 and 17 of the Prevention of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'), at P.S. Sector 9-A, Gurugram.

States that the son of the petitioner, Kunal, is in love with the victim who happens to be a friend of her daughter. Her son and the victim want to marry each other, however, the family of the complainant is not ready for the matrimonial alliance. The petitioner has been framed only being the mother of main accused, Kunal. She is in custody since 25.01.2020. Though, the challan has been presented, but out of twenty one prosecution witnesses, none has so far been examined.

Whereas, learned State counsel assisted by learned counsel for

the complainant state that the petitioner aided and abetted the crime.

Heard.

Co-accused Kunal is stated to be aged 21 years, whereas, the victim is stated to be of 17 years and six months. Both are stated to be having a love affair. The petitioner, aged about 55 years, is mother of co-accused Kunal. She is in custody since 25.01.2020. Though, the challan stands presented but none of the 21 prosecution witnesses have been examined so far, therefore, there is complete uncertainty with regard to the conclusion of trial. Thus, no useful purpose would be achieved by keeping the petitioner under further incarceration.

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 furnishing bail bonds with two local sureties, 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.

26.08.2020

atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No