

CRM-M-27663-2020

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

CRM-M-27663-2020

Date of decision: 09.11.2020

Rakhi

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

Mr. Amit Kohar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No.292 dated 14.08.2020, registered at Police Station Sadar, District Yamuna Nagar, under Section 506 IPC and Sections 8 and 17 of the POCSO Act, 2012.

Learned counsel for the petitioner contends that the petitioner was thrown out of the matrimonial home on 14.03.2020 and thereafter, she came to her parental house at Dehradun where she had made a complaint dated 06.07.2020 against her husband and in-laws. On 09.07.2020, the petitioner also filed a petition under Section 125 Cr.P.C. seeking maintenance from her husband. The above-noted FIR is a counter-blast to

CRM-M-27663-2020

the complaint and petition filed under Section 125 Cr.P.C., by the petitioner. In fact, the petitioner has been implicated in the present FIR due to some matrimonial dispute. No occurrence, as alleged by the prosecution, has ever taken place.

On the other hand, learned State counsel assisted by the learned counsel for complainant, opposes the prayer made in the present petition and submits that the petitioner had encouraged an outsider to misbehave and tease her minor daughter.

I have heard the learned counsel for the parties and gone through the record.

In the present case, serious allegations have been levelled against the petitioner, who is none else but the mother of complainant. As per the prosecution version, it was co-accused, Dinesh Tantrik, who had teased the complainant with bad intention, and the present petitioner had also supported him. The learned Additional Sessions Judge, Yamuna Nagar, while dismissing the bail application of the petitioner, has rightly noticed that complicity of the petitioner in the crime is made out from the specific averments made against her in the complaint.

Keeping in view the nature of the offence coupled with the fact that serious allegations have been levelled by the complainant against her mother, this Court finds that the petitioner is not entitled to any concession of bail. Even otherwise, the petitioner being the mother of the complainant, if enlarged on bail, all out efforts would be made to stone-wall the investigation and put the matter under the carpet.

CRM-M-27663-2020

In view of the above, this Court finds that the petitioner is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

09.11.2020

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No