

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

CRM-M-28681-2020

Date of decision: **25.9.2020**

GEETA RANI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against her vide FIR No.223 dated 13.5.2020 under Sections 328, 376/120-B IPC (Section 342 IPC added subsequently) at Police Station Shahabad, District Kurukshetra.
2. The FIR was lodged at the instance of prosecutrix, the translated gist of which reads as follow:-

“yesterday 12.05.2020 I went to take medicine at Government Hospital, Shahabad. Thereafter I went to Suman’s house who is resident of Shahabad, where Geeta and Anita were present. All three forcefully made me consume intoxicating cold drink. Thereafter I became unconscious. Today I regained consciousness

and found myself in house of Rinku, who committed rape upon me. I ran away from there and saved my life. You are requested to take strict legal action against Suman, Geeta, Anita and Rinku.”

3. Subsequently, statement of prosecutrix was recorded on 14.5.2020 in terms of Section 164 Cr.P.C., the relevant translated gist of which reads as follow:-

“On 12.5.2020 I had gone to Government Hospital to take medicine. While on the way I met Jyoti who took me along to her home. She offered a cold drink to me at her home and upon consuming the same I felt intoxicated (dizzy). While in that state of intoxication, they applied “make up” to me. Jyoti had called 2 other ladies namely Suman and Geeta. They took me to village Gomti. There, Rinku, husband of Suman raped me. I regained consciousness on Wednesday. I left that place on the pretext taking medicine.”

4. The learned counsel for the petitioner has submitted that it is a case where the prosecutrix has falsely implicated the accused and that infact the true facts are that the prosecutrix was about 5 months pregnant at the time of lodging of aforesaid FIR and had in fact herself voluntarily married the accused Rinku mainly for the purpose of extracting money. Learned counsel for the petitioner has further submitted that the petitioner deserves concession of bail on the ground of parity as well, as co-accused of the petitioner namely Suman and Anita have already been granted

concession of bail by this Court vide order dated 15.9.2020 passed in CRM-M-19998-2020. .

5. Opposing the petition, learned State counsel has submitted that since serious allegations have been levelled against the accused, no case for either grant of regular bail or anticipatory bail is made out. Learned State counsel, has however informed that the prosecutrix was indeed pregnant at the time of lodging of FIR. Learned State counsel has further informed that the petitioner has been behind bars since 5.6.2020.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case and that the co-accused of the petitioner have already been granted concession of bail and that the petitioner has been behind bars since last more than 3 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**