

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-32234-2020

Date of decision: 26.10.2020

Ritu

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Suresh Ahlawat, Advocate for the petitioner.
Mr. Rajiv Goel, DAG, Haryana.
*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner-Ritu, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR no.97 dated 08.08.2019, registered under Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short '**POCSO Act**'), (later on, Section 17 of POCSO Act, added and Section 120-B of Indian Penal Code was dropped), at Police Station Women Cell, West, Gurugram.

Learned counsel for the petitioner based on pleadings in the petition, submits that as noticed in the order dated 08.07.2020, passed by the Additional Sessions Judge, Gurugram (Special Court under POCSO Act, 2012), the petitioner is behind bars since 09.08.2019. The petitioner has a minor daughter aged 2 years living with her in jail. It is further noticed in the order that three of her co-accused, namely, Bhupender, Om Parkash and

'A' have been on bail. The order dated 15.10.2019, passed by the Additional Sessions Judge, Gurugram, granting bail to Bhupender, has been shared with the Admin of the Whatsapp group.

Learned State counsel on instructions from SI Manjusha, submits that the challan has been presented and charges were framed on 01.11.2019. There are total of 25 witnesses, only one witness has been examined till date. He further submits that the petitioner is not involved in any other case.

Counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to her life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to her furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

26.10.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No