

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

**CRM-M-3221-2021
Date of Decision : 28.01.2021**

Neelam @ Sonu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Tara Chand Dhanwal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.281 dated 23.09.2020 under Section 346 IPC. Later on after addition and deletion under Sections 363, 366-A, 376(D)(A), 342, 120-B of IPC and Section 6 of POCSO Act registered in Police Station Uklana, District Hisar, Haryana.

Learned counsel for the petitioner submits that as per allegation in the FIR registered at the instance of complainant Mange Ram, his daughter (name withheld) was enticed away by somebody and thereafter, the police during investigation, recovered the girl who made a statement before the police that on asking of co-accused Vikas (juvenile) she had left the home and stayed in the house of one Deepak.

Learned counsel for the petitioner further submits that thereafter, when the statement of the victim was recorded under Section 164 Cr.P.C., the name of the petitioner surfaced for the first time as the person at whose house Vikas has taken the girl and she allowed both of them to stay, where Vikas committed rape on the victim.

Learned counsel for the petitioner further submits that Vikas (juvenile) has also been granted concession of regular bail by the Juvenile Justice Board and as per the initial version, victim stayed in the house of Deepak and in the subsequent statement recorded under Section 164 Cr.P.C., it is stated that she stayed in the house of the petitioner.

Learned counsel for the petitioner further submits that petitioner is a pregnant lady and is also suffering from Hepatitis-B and this fact is also noticed in the order of Additional Sessions Judge, Fast Track Special Court, Hisar and as well as in the documents attached with the present petition.

Learned State counsel could not dispute the factual position that at the first instance, the victim informed the police that she was taken to the house of Deepak by accused Vikas, where Vikas committed rape on the victim, however, later on, she changed her version and named the petitioner as a person at whose house, aforesaid Vikas had taken her.

Learned State counsel further submits that investigation is complete; *challan* stands presented and the petitioner is in judicial custody since 14.10.2020.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and considering the fact that petitioner is in long custody since 14.10.2020; the complainant has already been examined and conclusion of trial is likely to take some time, the

instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

28.01.2021
Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No