

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

CRM-M No.15237 of 2021 (O&M)

Date of Decision:08.07.2021

(Heard through VC)

Sushila

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.427 dated 19.12.2020 registered under Sections 365, 376(2)(n), 452, 506 IPC and Sections 6 and 17 of the POCSO Act at Police Station Rai, District Sonapat.

Learned counsel for the petitioner would argue that initially FIR came to be registered at the behest of the prosecutrix against the main accused Pradeep son of Kallu Ram with the allegation that he had forcibly entered her house and taken her away at knife point, apart from extending threat that she would be killed in case any noise made. The main allegation of abduction and the offence of committing rape are upon Pradeep. It is submitted that in fact there was no such allegation of any overt action against the petitioner herein. Subsequently, her statement was also recorded under Section 164 Cr.P.C. on 20.10.2020 on which date again she did not raise any allegation against the petitioner. It is only on third statement given under Section 164 Cr.P.C. that the petitioner was named as the person who had enticed her from the house and handed over her custody to Pradeep.

Learned Counsel for the petitioner would also submit that the Sessions Court has allowed regular bail to the main accused against whom allegations of rape had been raised. It is argued that a perusal of the said order would reflect that the Sessions Court has noted the discrepancies in the statements given by the prosecutrix. Based on this, counsel for the petitioner prays for grant of regular bail.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail to the petitioner but he is not in a position to dispute the fact that the regular bail has been allowed to Pradeep Kumar, the person who has been nominated as an accused for an offence of rape having been committed upon the prosecutrix.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the co-accused namely Pradeep has already been granted concession of bail by the Sessions Court and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.50,000/- to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

July 08, 2021
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No