

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

210

CRM-M No.19790 of 2021

DATE OF DECISION : 24th MAY, 2021

Manju Singh

.... **Petitioner**

Versus

State of U.T. Chandigarh

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Uttam Singla, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.151 dated 21.07.2020 registered under Sections 323, 376 (2)(f), 376(2)(n), 120-B (3) IPC, 1860 and Sections 4 & 6 of the POCSO Act, 2012 at Police Station Sector 31, Chandigarh.

It is contended by the counsel for the petitioner that the petitioner is the mother of the prosecutrix. The main accused in the matter is none other than the father of the prosecutrix, who is husband of the present petitioner. The only allegation against the petitioner is that husband of the petitioner used to have forcible sex with his daughter and the petitioner did not inform this to the police. Therefore, the petitioner is sought to be involved in the matter by invoking Section 120-B IPC. However, there is not even any allegation of prior meeting of minds of the petitioner and her husband qua commission of offence alleged against

her husband. Instead, the petitioner being wife, herself has been facing problems from her husband, who has a distracted mental disposition. In any case, the petitioner has nothing to do with the offence under Section 376 IPC in any form, as involved in the matter. The petitioner is in custody since 22.07.2020. The petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Abhinav Gupta, APP, U.T. Chandigarh, accepts notice on behalf of the U. T. Chandigarh.

It is submitted by counsel for the U.T., being instructed by SI Puran Singh, that the petitioner was having knowledge of every aspect of the conduct of her husband qua he having sexual intercourse with his own daughter. The petitioner kept silent and did not inform the police in this regard despite the repeated requests made by her daughter. However, it is not disputed that the petitioner is in custody since 22.07.2020 and that except the allegation of alleged conspiracy there is no other allegation against the petitioner. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24th MAY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No