

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

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CRM-M-21114-2021 (O&M)

Decided on : 27.08.2021

SANTOSH RANI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. Sandeep Singh, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab
assisted by SI Jagdev Singh.

Mr. HPS Ishar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.340, dated 10.07.2020 under Sections 376-D, 328, 346, 120-B, 506, 166-A and 34 of the IPC and Sections 3, 4 and 5 of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, registered at Police Station City Barnala, District Barnala

Reply has been filed by the learned State counsel. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel submits that a perusal of the FIR, which was registered at the instance of the mother of prosecutrix and even the

subsequent two statements made by the prosecutrix under Section 164 CrPC dated 28.07.2020 and 23.02.2021, which have been reproduced in the reply filed by the State, reveals that neither was the petitioner named in any of the aforementioned statements nor attributed any role in the crime in question. Learned counsel further submits that the name of the petitioner came to light only in an extra-judicial confession allegedly made by co-accused Lalit Kumar before one Harshwinder Singh. It has been submitted that the evidentiary value of such extra-judicial confession is of a weak nature and moreover the only allegation levelled against the petitioner in the said extra judicial confession is that she facilitated the rape committed upon the prosecutrix.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from SI Jagdev Singh has not been able to controvert the fact that no allegations were levelled against the petitioner in the FIR as well as in both the statements recorded under Section 164 CrPC 28.07.2020 and 23.02.2021. He has further conceded that in the second statement recorded under Section 164 CrPC, though the petitioner did make some improvements by naming a few accused, however she had not named or attributed any role to the petitioner.

Heard.

The petitioner has been in custody since 6th March 2021 and charges have not yet been framed hence no useful purpose would be served by keeping the petitioner behind the bars. I deem it a fit case to extend the concession of bail to the petitioner, as the trial is unlikely to conclude in the

near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 27, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>