

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21437-2021
Date of Decision: 10.06.2021

Mamta Rani

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Grewal, Advocate, for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.52 dated 06.03.2021, under Sections 376, 120-B of the Indian Penal Code, 1980, registered at Police Station Phillaur, District Jalandhar.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and even going by the contents of FIR there was no role of the petitioner in the same. He submitted that the allegations have been leveled against one Sunny by the prosecutrix who allegedly had raped the prosecutrix and it has been stated in

the FIR that the petitioner who is Mami (Aunt) of the prosecutrix had consented for the same. He submitted that so far as the petitioner is concerned, the investigation of the case is already complete and challan has already been presented and nothing is to be recovered from the petitioner. He has further submitted that so far as the main accused Sunny is concerned, he was not arrested and he had filed a petition for anticipatory bail before this Court vide Criminal Miscellanoues No. 17162 of 2021 in which a Co-ordinate Bench of this Court vide order dated 23.04.2021 had stayed the arrest of the petitioner. The learned counsel submitted that the petitioner is innocent lady and she had no role to play in any incident. He has further submitted that the petitioner is in custody since 06.03.2021.

On the other hand, Mr. H.S. Multani, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 06.03.2021 and that the investigation of the case is already complete and the challan has been presented qua the petitioner before the competent Court.

I have heard the learned counsel for the parties.

So far as the petitioner is concerned the allegations qua the petitioner in the FIR were that after the alleged offence was committed the petitioner had not resisted and had consented for the same. It is not in dispute that the investigation of the case is already complete and challan qua the petitioner has already been presented. Furthermore, the main accused Sunny had filed anticipatory bail before this Court and his arrest has been stayed. Apart from this, it is not the case of the State that in case the petitioner is released on bail then she may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.06.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No