

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

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**CRM-M-24308-2021
Decided on : 02.07.2021**

Kela and another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Varuna Singh, Advocate
for the petitioner(s).

Ms. Vibha Tiwari, AAG, Haryana
assisted by SHO Parmila.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 179, dated 14.04.2021, under Section 376(2) and Sections 6 & 17 of the POCSO Act, registered at Police Station Sadar, Sonipat.

Learned counsel for the petitioners submits that petitioner No.1 who is 80 years old lady and grandmother of the main accused while petitioner No.2 is the mother of the main accused, have been falsely implicated in the case in hand without as much as there being any allegation levelled against them in the statement of the prosecutrix recorded under Section 164 Cr.P.C. It has been submitted that it was only after two months of her first statement under Section 164 Cr.P.C., the prosecutrix on account of the pressure exerted on her, came up with a tutored version and levelled allegations against the present petitioners of being hand in glove with the main accused who committed rape upon the prosecutrix. Further submits

that the petitioners have been in custody since 05.06.2021 and only challan stands present till date, hence, there is no likelihood of the trial concluding anytime in the near future, therefore, they be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SHO Parmila, has very fairly conceded that there was no allegation levelled against both the petitioners by the prosecutrix in her first statement recorded under Section 164 Cr.P.C. and it was only subsequently and that too after a period of two months, she levelled allegations against the petitioners of being hand in glove with the main accused, who allegedly committed rape upon the prosecutrix.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 05.06.2021, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 02, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*