

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

CRM-M-24280-2021
Decided on : 11.11.2021

Kavita Rani

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Siddharth Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.83 dated 21.03.2021 under Section 365 IPC 1860 (Section 328 IPC and Sections 4, 8, 12 and 17 of POCSO Act were added later on) registered at Police Station Mahesh Nagar District Ambala.

The case of the petitioner was that in the first statement recorded under Section 164 Cr.PC, the victim did not name the petitioner nor attributed any role to her in the crime in question. However, subsequently in the second statement recorded under Section 164 Cr.PC on 23.04.2021, the victim named the petitioner and assigned a role to her in the crime in question wherein she alleged that the petitioner along with her husband i.e. co-accused were trying to sell the victim for an undisclosed consideration.

Learned counsel for the petitioner states that the petitioner has since joined the investigation in compliance of order dated 03.08.2021, which was passed in the following terms:

“Learned State counsel has filed the reply in compliance of order dated 12.07.2021. Learned State counsel while inviting the attention of this Court to the reply so filed submits that there are serious allegations against the petitioner and her husband of kidnapping a 15 year old girl and thereafter trying to sell her for an undisclosed sum. Learned State counsel has further submitted that in her first statement recorded under Section 164 Cr.PC, the prosecutrix had not levelled any allegations against the petitioner, however it had come during investigation that it was on account of threats extended to her by the investigating officer Ajaib Singh that she had chosen to keep mum. Strangely, the reply filed by the State is completely silent qua the alleged threat extended to the prosecutrix by the investigating officer.”

Learned State counsel on instructions from SI Amar Singh states that the petitioner is not required for custodial interrogation.

In view of the above, the petition is allowed and interim order dated 03.08.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

11.11.2021
sonia

(MANJARI NEHRU KAUL)
JUDGE

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