

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30112-2021(O&M)

Date of Decision: 06.08.2021

(Heard through V.C.)

Raj Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.681 dated 16.12.2020, under Section 365, 363, 366-A, 370, 370-A, 376 (3), 120-B and 506, IPC as well as Section 6 and 17 of the POCSO Act (added later on) registered at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner herein would contend that a reading of the FIR does not indicate any role having been played by the petitioner herein with either the abduction or alleged rape upon the minor daughter of the complainant. It is argued that initially the FIR was registered under Section 365 IPC. When the daughter of the complainant was recovered, her statement was recorded on 16.07.2020 wherein she has also not named the petitioner herein. In the statement recorded, the allegations

have been made that Santosh, who has been parental aunt, used to take money from contractor namely Randhir for immoral purposes. Counsel for the petitioner would argue that a Coordinate Bench of this Court has already granted regular bail to co-accused namely Santosh. Moreover, it is submitted that challan stands presented, however, as on date, neither the charge framed nor any of the witnesses examined.

Learned State counsel, on instructions from Sub Inspector Kamlesh Kumari, on the other hand, opposes the grant of bail to the petitioner, however, he is not in a position to dispute that in the initial statement that has been made by the complainant, there is no specific allegations against the petitioner herein, who happens to be the mother of the co-accused.

I have heard counsel for the parties and have also perused case file.

Keeping in view the above facts and circumstances of the case, I deem it appropriate to allow the benefit of regular bail to the petitioner as the trial is likely to take sufficient long time and the petitioner, a lady, has been in custody since a considerably long time. The petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

06.08.2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No