

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

(223)

CRM-M-31869-2021

Date of Decision: 16.08.2021
(Heard through VC)

URMILA DEVI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab
assisted by ASI Jasvir Singh.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 227 dated 10.10.2019 under Sections 376-D, 458, 120-B of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offence Act, 2012 and Section 67 of IT Act, 2000 registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case. The role attributed to her is that she facilitated the offence of rape being committed upon the victim. It is further submitted that the main accused-Manpreet Singh has already been granted concession of interim bail by an Coordinate Bench of this Court while noticing the fact that there is no medical evidence available at all with regard to the offence of rape having been committed by the co-accused. It is

argued that even the DNA report which is circulated through the *whatsapp* group is in-conclusive regarding the offence under Section 376-D of Indian Penal Code. It has been further submitted that as the *challan* has been presented and the charges have already been framed as such the custody of the petitioner is no longer required. It is also submitted that the trial will take some time as out of 20 witnesses cited none has been examined as on date. Learned counsel for the petitioner herein would contend that the petitioner has been in custody since 27.10.2019, and the trial is not likely to conclude within a short span of time.

I have heard learned counsel for the parties and have also perused the paper book.

The trial is likely to take some time to conclude owing to present COVID-19 pandemic situation.

Investigation is complete and *challan* stands presented. In the aforesaid facts and circumstances of the case, no useful purpose would be served in keeping the petitioner behind the bars any longer. The instant petition is allowed and the petitioner is directed to be released on regular bail on her execution of personal/surety bonds to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

16.08.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No