

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

CRM-M-30572-2020 (O&M)

Date of decision : 03.03.2021

(Heard through VC)

Sharda

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, A.A.G., 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.31 dated 02.04.2019, under Sections 376-D, 109/120-B/506 of the Indian Penal Code and Section 6 of the POCSO Act, 2012 registered at Police Station Women Police Station, Sirsa, District Sirsa.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said FIR only on account of a grouse between the father of the prosecutrix and family of the petitioner which would be evident from her statement given in the cross-examination. It is also argued that the petitioner herein has been in custody since 03.04.2019 and the statement of the material witness, namely the prosecutrix, has been recorded and, therefore, there is very little chance of influencing the witness any more.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail by contending that the prosecutrix has supported her allegations as made out in the FIR.

I have heard counsel for the parties and have also perused the statement of the prosecutrix. Allegations of rape are against co-accused Ranjit Singh.

In view of the fact that the statement of the prosecutrix has already been recorded and keeping in mind the length of custody of the petitioner, who is a female of 50 years as also the fact that out of 21 witnesses only one has been examined so far, I deem it appropriate to allow her benefit of bail. The petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of trial Court/Duty Magistrate concerned.

03.03.2021

ps-I

(JAISHREE THAKUR)
JUDGE

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