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

\*\*\*\*

CRM-M-43285-2020

Date of Decision: 05.01.2021

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Nirmala Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Namit Khurana, Advocate,  
for the petitioner.

Mr. Anmol Malik, D.A.G. Haryana

**SUDIP AHLUWALIA, J. (ORAL)**

[1]. This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner-Nirmala Devi, who was arrested on 28.08.2020, in case FIR No.106 dated 26.08.2020, under Sections 6, 17 of POCSO Act, 2012, and Section 506 of the IPC, registered at Police Station Women Yamuna Nagar, District Yamuna Nagar.

[2]. The petitioner happens to be the mother of the prosecutrix, and has remained in detention in the present case for more than 5 months since 28<sup>th</sup> August, 2020. In the meantime, challan against her has already been submitted after completion of the investigation.

[3]. It has been submitted on behalf of the petitioner that being the real mother of the prosecutrix, it is inconceivable that she would have willingly compromised on the dignity/chastity of her own daughter, and that

in any case, her overall conduct in the matter was actually on account of her pure illiteracy and rustic status as a village woman, who was gullible enough to believe that her daughter, i.e., the prosecutrix, who was suffering from a stone/tumour in her body, could be cured by the efforts of co-accused-Satish, who professed to be the devotee of some '*Mata*' i.e. a Divine Diety. Hence, according to the Ld. Counsel, the petitioner being the mother of the prosecutrix, cannot be held responsible for the wrongs committed by the said co-accused-Satish, on the pretext of curing the prosecutrix of her physical affliction.

[4]. It further transpires that the said co-accused-Satish has already been apprehended and is presently in custody. Undoubtedly, the petitioner, who is a woman and also the mother of the prosecutrix, cannot have actually indulged in the physical act of violation of the chastity of her own daughter.

[5]. As such, considering the long detention undergone by the petitioner so far, at this stage, she is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

**05.01.2021**

*Aman Jain/Bhumika*

**(SUDIP AHLUWALIA)  
JUDGE**

**1. Whether speaking/reasoned:      Yes/No**

**2. Whether reportable:                Yes/No**