

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

CRM-M No.19553 of 2022

Date of decision: 11th October, 2022

Seema Rani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

Mr. Teevar Sharma, Asstt. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition filed by the petitioner under Section 439 Cr.P.C. in case bearing FIR No.151 dated 18.11.2020 under Sections 363, 366-A, 376-D, 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner inter alia contend that the petitioner, who is a 31 years old woman, has been falsely implicated in the case in hand which is evident from the fact that there was no medical corroboration qua the administration of intoxicants by her to the victim aged around 16 ½ years, nor was there any medical evidence to corroborate the factum of the victim having been raped by the accused. Learned counsel submits that the victim went missing from

her school and had left behind a note in her English notebook wherein she had categorically stated that she was leaving her home for fulfilling her dreams and also on account of the harassment meted out to her by her step-mother. In support, learned counsel has drawn the attention of this Court to the FIR (Annexure P1) which was registered at the instance of the victim's father wherein also the above mentioned fact stood duly reflected. Learned counsel submits that even otherwise, the only allegation levelled against the petitioner is of having administered water laced with some intoxicant to the victim and there are no allegations qua she having colluded with the co-accused who allegedly committed rape upon the victim. Learned counsel further submits that since 13 more prosecution witnesses remain to be examined and the petitioner has been in custody since 20.12.2020, her further incarceration will serve no useful purpose more so since the sole material witness i.e. the victim has been examined by the trial Court.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from ASI Radhe Shyam has not been able to dispute the submissions made by the counsel opposite qua the role attributed to the petitioner. He has also not been able to dispute that there was no medical evidence on record from which it could be discerned that the petitioner had given water to the victim laced with some intoxicant.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 20.12.2020 and the role attributed to her is of making the victim drink water laced with some intoxicant. The victim stands examined and there is no likelihood of the trial concluding in the near future as 13 prosecution witnesses remain to be examined.

In the aforementioned facts and circumstances, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 11, 2022

rps

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