

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.32691 of 2022 (O & M)
Date of decision:02.08.2022

Preeti

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lokesh Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

CRM No.26405 of 2022

Application is allowed as prayed for.

Petitioner is permitted to place on record the final report
prepared under Section 173 of Cr.P.C.

Main Case

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.312 dated 08.06.2021 registered under Sections 328, 354-A and 34 of IPC, 1860, and Sections 10 and 17 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Shivaji Colony, Rohtak, Haryana.

Case of the prosecution is that FIR in question has been registered on the statement of Dinesh Kumar on the allegation that Manjit has enticed his wife-Preeti (present petitioner) as well as his minor daughter. On 05.06.2021, he got a call from police station that his wife and 09 year old daughter are with the police. When he reached the police station he saw that his daughter was in a state of shock and on persistent enquiry, she confided him that her mother used to sedate her on the asking of Manjit and put her to sleep. She also told the complainant that Manjit used to touch her inappropriately and both Preeti and Manjit intimidated her.

Counsel for the petitioner submits that first petition (CRM-M-41623-2021) was withdrawn on 29.03.2022 on an application filed by the petitioner. He submits that thereafter both the complainant as well as the minor have been examined on 25.04.2022 and 16.05.2022, respectively and they have not supported the case of the prosecution. He has referred to their testimonies, which are appended as Annexures P-3 and P-4, respectively. He submits that the genesis of the dispute is a marital discord between the complainant and his wife-petitioner. He asserts that the petitioner, who has a clean past and is in custody since 15.06.2021, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from P/SI Krishan, has opposed the petition and has submitted that the nature of allegations levelled against the petitioner are grave. She submits that the minor has supported the allegations in her statement under Section 164 of Cr.P.C., though she could not deny that in her examination-in-chief, the minor

has not deposed against the petitioner. As per her instructions, 09 out of 17 prosecution witnesses have been examined.

Having heard counsel for the petitioner, this Court is *prima facie* of the view that the petitioner, who is the mother of the minor victim, would be entitled to be enlarged on bail as her culpability in the crime would be a subject matter of debate before the trial court. Moreover, the trial is likely to take time to conclude as almost half of the prosecution witnesses are yet to be examined.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.08.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No