

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

CRM-M-49080-2021 (O&M)

Date of decision: 25.01.2022

Sonia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. U.K. Agnihotri, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner Sonia, an accused in FIR No.005 dated 09.01.2020, for an offence under Section 6 of POCSO Act 2012, Sections 75, 87 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 7A, 8 of Prevention of Corruption Act, Section 67 of IT Act and Section 34 IPC (Section 166-A IPC deleted), registered with Police Station Kharakhoda District Sonapat.

Briefly stated the facts of the case as per prosecution story are that, complainant Naveen son of Ramphal, resident of Village Bidhlan, District Sonapat was married with petitioner-accused Sonia in the year 2011; they were blessed with two sons, elder one being aged 07 years and younger one aged 06 years; the couple developed differences

and were involved in litigation; petitioner-accused Sonia engaged Amit Dahiya, Advocate to represent her in the litigation with her husband-the complainant; Amit Dahiya developed intimacy with petitioner-accused Sonia and he started visiting her at home; he is said to have prepared obscene film of Sonia also; Amit Dahiya on various occasions asked younger son of the complainant and Sonia to do wrongful sexual acts with him by putting his penis in his mouth; that was so done with knowledge and active help of petitioner-accused Sonia; the boy was terrified and went in depression also; this fact was known to Sonia but she did not do anything; the child victim disclosed that fact to his father-the complainant; the matter was reported to the police; formal FIR was recorded. Both Amit Dahiya and petitioner-accused were arrested in this case, the latter on 11.01.2020. After completion of investigation and other formalities, the challan against both the accused has been filed in the Court, which is going on inasmuch as the material witnesses including the child victim are said to have been examined.

Petitioner-accused Sonia had filed a petition for regular bail before the Court of Sessions at Sonapat but was unsuccessful. She had come to this Court earlier craving for grant of concession of regular bail but her that petition bearing No.CRM-M-18344-2020 was withdrawn by her counsel, seeking liberty to file a fresh one after statements of material witnesses were recorded. Now she has approached this Court again by way of filing the present petition, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going

through the record.

The petitioner is behind bars for 02 years. The material witnesses in the trial including the child-victim have statedly been examined. In view of breaking out of third wave of COVID-19, the conclusion of the trial may take some time. Further detention of the petitioner is not going to serve any useful purpose. As such, without going into the merits of the case, I find it proper and appropriate to allow the petition and grant benefit of regular bail to the petitioner. Therefore, the petition is accepted. The petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Sonapat, subject to the following conditions:-

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses;
- (iii) she shall not indulge in any criminal activity;
- (iv) she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard;
- (v) she would neither seek nor be given custody of the minor victim and his other brother till conclusion of the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

25.01.2022
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(H.S. MADAAN)
JUDGE

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