

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

Sr. No.: 222

**Criminal Miscellaenous No.M-9362 of 2023**

**Date of Decision: February 27, 2023**

Nirmala Devi

..... PETITIONER(S)

*VERSUS*

State of Haryana

..... RESPONDENT(S)

. . .

**CORAM:** HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

**PRESENT:** - Mr. Lalit Singla, Advocate with Ms. Varsha Sharma,  
Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

. . .

**Tribhuvan Dahiya, J (Oral)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.56 dated 29.01.2022, under Sections 363 and 366-A (Section 120-B added later on), registered at Police Station Hisar City, District Hisar.

2. The FIR was lodged on the complaint filed by victim's father on 29.01.2022 that his daughter left home by telling his wife that she was going to get her clothes altered. When she did not return for a long time, he went out in search, but she could not be found. He suspected that someone had taken her away by alluring.

3. Learned counsel for the petitioner contends that there is no allegation against the petitioner, who is mother of Sorab Kumar, who allegedly knew the complainant's daughter and allured her too. Sorab Kumar and complainant's daughter apprehended danger to their lives at the hand of

the complainant, and filed a criminal writ petition before this Court, CRWP No.1148 of 2022, Anneuxre P-3, seeking protection of their life and liberty. The petition was disposed of by issuing appropriate directions vide order dated 08.02.2022. Thereupon, the complainant's daughter recorded her statement before the Judicial Magistrate Ist Class, Budhlada on 09.02.2022 that she was reluctant to go to her parents. Accordingly, she was sent to Child Protection Home vide order dated 09.02.2022. Again, on an application made by the complainant, her daughter's statement was recorded on 11.02.2022, wherein she stated that petitioner's son, Sorab Kumar, has not misbehaved with her nor has he established any kind of physical relationship. She left the care and custody of her parents on her own, in which nobody has any role to play. She also apprehended threat to her life and requested to be sent to some Child Care Institution.

4. Learned State counsel, on instructions from ASI Sumer Singh, opposes the grant of bail on the ground that in the victim's supplementary statement recorded under Section 164 Cr.P.C. on 22.02.2022, she has stated that the petitioner knew about the relationship between the complainant's daughter and her son, and had asked her to company the latter. She, however, submits that investigation of the case is complete and the case has been committed to the Court of Session.

5. Apparently, there are different versions of the complainant's daughter in her statements recorded before the Magistrate. It has also come on record that she knew the petitioner's son before lodging of the FIR, and the two had even approached this Court seeking protection of their life and liberty apprehending threat from the complainant. Besides, investigation of the case is already over and the challan stands filed. Trial of the case will take long time to conclude. In view thereof, it is deemed appropriate to

admit the petitioner on regular bail.

6. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of requisite bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

February 27, 2023

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(Tribhuvan Dahiya)  
Judge

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|------------------------------------|----------------|
| <u>Whether Speaking/ Reasoned:</u> | <u>Yes/ No</u> |
| <u>Whether Reportable:</u>         | <u>Yes/ No</u> |