

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14019-2022 (O&M)

Date of Decision : 22.08.2023

Ashu @ Asha Rani

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kuldip Singh, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG Punjab.

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ALKA SARIN, J. (Oral)

1. This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in FIR No.55 dated 22.03.2021 registered under Sections 363, 366-A of the Indian Penal Code, 1860 (Sections 376(3), 120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 added later on vide Rapat No.20 dated 25.03.2021) at Police Station Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 2 years and 28 days and she has absolutely clean antecedents. It is further the contention that the allegations against the petitioner is that she is Bua of the main accused and

that it is the allegation that the main accused had taken the victim to the house of the petitioner where he developed physical relations with the victim. The further allegation is that the petitioner had misappropriated the gold and money of the victim.

3. Learned counsel for the State has filed a custody certificate. As per the custody certificate the petitioner is in custody for a period of 02 years and 28 days. Learned State counsel on instructions from ASI Balwant Singh has stated that the material witnesses stand examined i.e. complainant, prosecutrix and the father of the prosecutrix and that out of 17 witnesses, 05 stand examined.

4. I have heard learned counsel for the parties.

5. In the present case the allegations are that the main accused had taken the victim to the house of the petitioner and had developed physical relations with her there. There are also allegations of gold and money of the victim having been misappropriated by the present petitioner. The petitioner has been in custody for a period of 02 years and 28 days and she has absolutely clean antecedents. Out of 17 witnesses only 5 witnesses stand examined till date. However, all the material witnesses since stand examined. No purpose would be served by keeping the petitioner in incarceration as the trial is likely to take some time to conclude.

6. Keeping in view the totality of the circumstances and without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to

be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off accordingly. Pending applications, if any, also stand disposed off.

22.08.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO