

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

207

**CRM-M No. 18029 of 2023
Date of Decision : 21.4.2023**

*Sunhri**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shokeen Singh Verma, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.405 dated 13.7.2022 under Sections 363 and 366-A IPC (Sections 376 (2)(n) and 120-B IPC and Sections 6 and 17 of POCSO Act added later on), registered at Police Station Tosham, District Bhiwani.

2. Briefly, the allegations in the FIR lodged by the victim's father are, her daughter, aged about sixteen years, was missing from 13.7.2022. Since she could not be found, the matter was reported to the police.

3. Learned counsel for the petitioner contends that the petitioner is sister-in-law of main accused's sister, and has no role to play so far as the alleged incident involving the main accused and the victim is concerned. He has referred to the victim's statement dated 20.7.2022 (Annexure P-2) recorded under Section 164 Cr.P.C., wherein she stated that she willingly accompanied the main accused on the night of 12.7.2022, and went to his sister's house at Hansi. She had also taken some ornaments with her, which

were now with the police. They stayed at Hansi for two days and then went

to the petitioner's house at Rohtak and stayed there. It is further submitted that the petitioner is in custody along with her ten months old girl since 24.8.2022, and trial will take long time to conclude.

4. Learned State counsel, on instructions from SI Joginder Singh, opposes the grant of bail on the ground that trial of the case is going on and eleven out of nineteen witnesses have already been examined. The victim was sixteen years of age at the time of alleged occurrence and was recovered from the petitioner's house. It is not denied that the petitioner is in custody since 24.8.2022, and has no other case pending against her.

5. The submissions made by learned counsel for the parties have been considered. The material prosecution witnesses, including the victim herself and her father/complainant have already been examined. The prosecution version was not supported by the victim in her statement under Section 164 Cr.P.C. Even otherwise, no specific role has been attributed to the petitioner so far as the commission of alleged sexual assault is concerned. She is in custody for the last more than eight months along with her minor girl, and has no other case pending. Trial of the case will take some time to conclude, and no useful purpose will be served by confining her to custody any longer.

7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

21.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No