

2023:PHHC:110129

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

**CRM-M No. 22750 of 2023
Date of Decision: 23.08.2023**

Kiran Bala

...Petitioner

Versus

State of Haryana

...Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner seeks the relief of regular bail in the criminal case arisen out of the FIR bearing No.04 dated 03.03.2023 registered at Police Station Women Sirsa, District Sirsa, under Sections 323, 354-A, 354-B, 365 read with Section 34 IPC and Section 8 of the POCSO Act, 2012.

2. Shorn and short of unnecessary details, the allegations, as levelled by the victim (here-in-after to be referred as the 'P') in the subject FIR, are that on 02.03.2023, while she was playing with some children in the street, the petitioner and her co-accused Parkash came there and the petitioner asked her ('P') to accompany her to her house and on her (P's) refusal to do so, the petitioner slapped her and her above-named co-accused

gave fist blow on her back and then, both of them dragged her (P) to the house of the petitioner and left her there. In the meantime, another co-accused of the petitioner named Rajender asked 'P' to open the string of her '*Salwar*' (a traditional lower) and when she tried to escape, he tore her shirt and '*Salwar*' and on her raising an alarm, several persons, including Ashok son of Amar Singh, reached at the spot and the petitioner batted a brick which hit Ashok on his head.

3. Status-Report submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Head Quarter, Sirsa, District Sirsa), along-with Annexures R-1 to R-3 and the vernacular version of Annexure R-3, is already available on the file and all these documents are taken on the record. Learned State counsel has submitted the Custody-Certificate of the petitioner in the Court which has been placed on the file.

4. Mr. Kushager Goyal, Advocate, has put in appearance on behalf of the complainant in this petition and has submitted his Power of Attorney in the Court today and the same is taken on the record.

5. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also gone through the file carefully.

6. Learned counsel for the petitioner contends that the petitioner is behind the bars since the day of her arrest, i.e 06.04.2023 and she has been got falsely implicated in this case due to the reason that she and her husband had tried to save her co-accused Parkash Kaur from the clutches

of her husband, who was all out to give her beatings and moreover, the injuries on the person of 'P', as reported in her Medico-Legal Report Annexure R-1, are superficial in nature and can be self-suffered and in these circumstances, the petitioner deserves the relief, as prayed for in the instant petition.

7. Per contra, learned State counsel argues that 'P' happens to be just 14 years old and the petitioner is the prime accused in the criminal case under reference and keeping in view the nature of the offence committed by her, this bail petition be dismissed.

8. As regards the contentions qua the false implication of the petitioner and regarding the nature of the injuries reported to have been sustained by 'P', these can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial proceedings and the same cannot be decided/determined while dealing with the present petition.

9. So far as the contention qua the period of incarceration of the petitioner is concerned, mere this fact would not suffice at all to extend the relief of regular bail to the petitioner, in view of the fact that learned State counsel, on the instructions from L/ASI Manju Bala from the afore-referred Police Station, informs the Court that none of the prosecution witnesses has yet been examined before the trial Court, meaning thereby that 'P' and other material prosecution witnesses have yet to appear in the witness-box for the recording of their testimonies.

10. Keeping in view the above-discussed facts and circumstances as well as the gravity of the crime as alleged to have been committed by the petitioner, this Court is of the considered opinion that she (petitioner) does not deserve the concession of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

August 23, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>