

2023:PHHC:102223

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27527-2023

Date of Decision: 08.08.2023

AMAN

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajat Dogra, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.13 dated 12.02.2023 under Sections 376, 120-B, 506 IPC, Sections 4 and 14 of the POCSO Act, Section 67-B of the Information and Technology Act and Section 6 of the Indecent Representation of Women (Prohibition) Act, registered at Police Station Khuian Sarwar, District Fazilka.

2. Custody certificate of the petitioner and short affidavit of Satnam Singh, Superintendent Central Jail, Ferozepur, have been placed on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are only to the effect that she has taken the victim, who is aged about 15 years, to her house for getting the *mehandi* work done. She has allegedly facilitated the commission of penetrative sexual assault upon the victim by her nephew Vansh @ Gaggi. In fact, the petitioner has been falsely implicated. There is nothing to indicate that the victim was administered anything stupefying material in the tea which rendered her unconscious. Even the video which was sent by the brother-in-law of the complainant does not indicate the presence of the petitioner and even the victim is conscious and aware as depicted therein. The petitioner is running 34th week of pregnancy.

4. Learned State counsel has opposed the bail application on the score that there are categoric allegations to the effect that she had facilitated the commission of penetrative sexual assault upon the victim by the co-accused. However, it has not been disputed that the petitioner is running 34th week of pregnancy.

5. The allegations against the petitioner are only to the effect that she had facilitated the commission of crime by the co-accused. There is no supporting medical evidence to indicate that anything stupefying material was administered to the victim in the tea alleged to have been served by the petitioner. Furthermore, the petitioner is not depicted in the video footage and it has been further pointed out that the victim, as depicted therein, is conscious and well aware. The petitioner is running 34th week of pregnancy and her expected date of delivery is 19.09.2023. The investigation of the case is stated to be complete and challan has been presented in the Court. The petitioner is in custody for a period of 05 months and 24 days and not involved in any other case.

6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

08.08.2023
smriti

(VIVEK PURI)
JUDGE

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