

2023:PHHC:121121

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

CRM-M-29464-2023

Date of Decision: 14.09.2023

MUNNI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Yogesh Jangra, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.678 dated 12.12.2022 under Sections 363/366-A/376(2)(n)/376DA/344/506 IPC and Section 6 of the POCSO Act registered at Police Station Adampur, District Hisar.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the allegations with regard to commission of penetrative sexual assault have been attributed against the son of the petitioner, who is juvenile and has been released on regular bail. Furthermore, as per the allegations, the victim, who is aged about 15 years, was kidnapped on 28.11.2022 and rescued on 10.12.2022. The FIR has been lodged after a delay of 12 days. The allegations against the petitioner are only to the effect that she alongwith juvenile had confined the victim for a period of 10 days and never intervened when the victim was sexually abused by her son. The statement of the victim in the trial Court has been recorded. The petitioner is in custody for a period of 08 months and not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that the victim during the course of trial has supported the case against the petitioner and out of 20, only one witness has been examined.

5. The petitioner is the mother of the juvenile. The allegations with regard to penetrative sexual assault have been levelled against him and he has been released on bail. The allegations against the petitioner are only to the effect that she remained silent and facilitated the confinement of the victim in her house and commission of penetrative sexual assault upon her. The petitioner is in custody for a period of 08 months. The statement of the victim has been recorded in the trial Court. As such, it cannot be said that the petitioner can, in any manner, win over or influence her. Still 19 witness remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such 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 her furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

14.09.2023
smriti

(VIVEK PURI)
JUDGE

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