

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-32460-2023
Date of Decision:- 24.08.2023

Salochana

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Salochana has filed the second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.471 dated 02.09.2022, under Sections 120B, 342, 343, 366, 376(2)(n), 506 of IPC registered at Police Station Sadar Jind, District Jind.

The facts of the case are that the prosecutrix gave her statement that she was doing labour work at Bharat Layer Farm. On 21.08.2022, Guddi @ Salochana, the present petitioner called her at her house for some work and allured her that she would provide job to her at a better place. The prosecutrix was kept in the house of Guddi @ Salochana for two days. On 22.08.2022, at about 8/9:00 PM she called a driver at bus stand Bohatwala for sending her to Bharat Layer Farm. The driver of the said vehicle took her to his house at Narwana where she was forcibly kept and wrongful acts were done with her. She remained in that house for five days. She came to know the name of said driver as Dalbir. She got a chance to call her husband Raju from the telephone in the neighborhood.

She requested her husband to save her. Thereafter, her husband called back and told Dalbir that he will lodge report to the police or his wife should be set free. On 26.08.2022, he left her and she boarded bus from Narwana Bus Stand to Jind at 6:50 PM. She was threatened not to disclose about this occurrence. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that Salochana is a household lady. She is having grown up children. The allegations levelled against her are false. She had no role to play in the commission of said offence. Even otherwise during the trial statement of prosecutrix has been recorded as PW2 where she has not levelled any allegation against her. Similarly, the statement of the husband of the prosecutrix Raju has been recorded as PW1, even he has not supported the prosecution version. Both these witnesses were declared hostile. The first regular bail application filed by the present petitioner bearing CRM-M-20294-2023 was withdrawn vide order dated 02.06.2023 (Annexure P-2). The present petitioner is behind the bars since long. She will abide by the terms of the bail order. Therefore, her bail application may be allowed.

The bail application is opposed by the learned State counsel. The detailed status report has been filed. The challan in this case was presented on 27.10.2022. The present petitioner had surrendered before the learned Magistrate on 18.01.2023. She had joined the investigation and till date she is behind the bars. It is pointed out that two of the material witnesses have been examined. The other witnesses are yet to be examined. However, it is conceded that the prosecutrix and her husband did not support the prosecution case.

I have considered the arguments and have gone through the

record. In the case in hand, the present petitioner herself surrendered before the court on 18.01.2023 and since then she is behind the bars. It cannot be ignored that both material witnesses i.e. Raju PW1 and the prosecutrix PW2 did not support the prosecution version. They have not levelled any allegation against the present petitioner. They were declared hostile and were cross-examined. Rather it is claimed that they were having cordial relations with the accused before this incident. The trial of this case may take some time. No purpose would be served by keeping the petitioner behind the bars for indefinite time period. She is ready to abide by the terms of the bail order. In view of the aforesaid facts, the regular bail application filed by the present petitioner is allowed and she is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

24.08.2023

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No