

207
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35251-2022 (O&M)

Date of Decision: 17.02.2023

Kajal and another

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipul Sherwal, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No. 416 dated 05.10.2020, under Sections 323, 326, 506, 34 IPC, Section 10 of POCSO Act and Section 75 of Juvenile Justice Act, registered at Police Station Adarsh Nagar, Faridabad, Haryana.

After arguing for some time, learned counsel for the petitioner has prayed for withdrawal of the present petition qua petitioner No.2 namely Sonu only and has stated that he will press the present petition only qua petitioner No.1 who is a lady of the age of 30 years.

The present petition is hereby dismissed as withdrawn qua petitioner No.2.

Learned counsel for the petitioner has submitted that petitioner

No.1 is a lady of the age of 30 years and is in custody from 06.10.2020 which is about 2 years and 4 months. He submitted that even as per the allegations contained in the FIR on the basis of the complaint made by the victim the allegations are pertaining to petitioner No.2 only but it was thereafter that petitioner No.1 who is the real mother of the victim has been falsely implicated in the present case. He submitted that petitioner No.2 is the second husband of petitioner No.1 and so far as the petitioner No.1 is concerned, she has been falsely implicated in the present case. He further submitted that 10 witnesses out of total 17 cited witnesses have already been examined including the victim and all the material witnesses and therefore, petitioner No.1 who is a lady may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana. has submitted that in view of the serious allegations against petitioner No.1 as well, she does not deserve the concession of regular bail, although 10 witnesses out of 17 witnesses including the victim have been examined.

I have heard the learned counsel for the parties.

Petitioner No.1 is a lady of the age 30 years and has already faced incarceration for about 2 years and 4 months and as per learned State counsel, 10 out of 17 cited witnesses have been examined including the victim. Petitioner No.1 is stated to be real mother of the victim. Therefore, considering the long custody of petitioner No.1 and the stage of the trial, this Court deems it fit and proper to grant regular bail to petitioner No.1.

Consequently, the present petition is allowed qua petitioner No.1. Petitioner No.1 shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.02.2023

rakesh

	(JASGURPREET SINGH PURI)
	JUDGE
Whether speaking	: Yes/No
Whether reportable	: Yes/No