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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2071-2023 (O&M)
Date of decision : 29.09.2023

Suman

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanchit Punia, Advocate for the appellant.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The present appeal has been filed under Section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, against the impugned order dated 16.05.2023 passed by learned Additional Sessions Judge, Fatehabad in FIR No.51 dated 30.01.2023 under Sections 363, 366, 120-B of the Indian Penal Code, 1860 and Section 3 of the SC&ST Act, registered at Police Station City Tohana, District Fatehabad whereby the application for regular bail has been dismissed.

2. Learned counsel for the appellant would contend that in the present case the FIR was lodged by the father of the victim on 30.01.2023 that his daughter was missing since 28.01.2023. The victim was recovered on 31.01.2023 and her statement was recorded under Section 164 of the

Code of Criminal Procedure, 1973 wherein she has stated that no wrong act

had been committed with her by the main accused - Vinay. The victim had also refused to get her medical examination done. Learned counsel for the appellant would further contend that the present appellant is the mother of the accused Vinay and that the only allegation against the appellant is that she had connived to kidnap the victim. It is further the contention of learned counsel that the appellant has been in custody since 30.01.2023 and that there is no other case pending against her.

3. Learned counsel for the State has filed the reply by way of an affidavit of Shamsher Singh, HPS, Deputy Superintendent of Police, Tohana, Fatehabad, which is taken on the record. Learned State counsel is not in a position to deny that the victim in her statement recorded under Section 164 CrPC has stated that no wrong act had been committed against her. Learned State counsel on instructions from ASI Rajesh Kumar has stated that the appellant has been in custody since 30.01.2023 and that there is no other case pending against her.

4. Heard.

5. In the present case, the appellant is the mother of the main accused - Vinay. The victim in her statement recorded under Section 164 CrPC has stated that she was friendly with the accused Vinay and that she had voluntarily gone with him and that no wrong act had been committed with her. The appellant has been in custody since 30.01.2023 and there is no other case pending against her. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the appellant

behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the appellant. The appellant is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the appellant is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. The present appeal is allowed. Pending applications, if any, also stand disposed off.

29.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO