

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

**CRM-37647-2023 IN/&
CRM-M-40506-2023 (O&M)
Date of Decision: 19.09.2023**

ISHA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Sidhu, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 129 dated 08.11.2020 at Police Station City Pehowa, District Kurukshetra, under Sections 120-B, 363, 366-A, 328, 343, 506, 376 (3), 201 IPC and Sections 6 & 17 of Protection of Children from Sexual Offences Act.
2. Custody certificate has been taken on record.
3. At the first instance, the petitioner was granted regular bail by the learned trial Court in terms of the order dated 12.08.2021. The petitioner absented from the proceedings on 09.11.2022 and subsequently, produced in the Court in pursuance of the warrants of arrest on 25.05.2023.
4. Learned counsel for the petitioner contends that due to certain unavoidable circumstances, the petitioner could not appear in the Court. Now she has undergone custody for a period of about 4 months after her arrest. Moreover, the victim during the course of trial has not supported the

CRM-M-40506-2023 (O&M)

prosecution version.

5. Learned State counsel has opposed the bail application on the score that the petitioner has absented from the proceedings in the trial Court. It is not a case that the petitioner had herself surrendered before the Court but her arrest was effected.

6. Be that as it may, the petitioner has undergone incarceration for a period of about 4 months subsequent to her arrest after she had absented from the proceedings during the course of trial. The petitioner has suffered sufficient incarceration for the lapse on her part.

7. In these set of circumstances, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

19.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No