

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

213

CRM-M-577-2023 (O&M)
Date of decision: 08.05.2024

USHA RANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. K.V.S Ahluwalia, Advocate and
Ms. Jaspreet Kaur, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. This second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.88 dated 04.08.2022 (Annexure P-1) under Sections 376, 506, 120-B of the IPC and Sections 3, 4, 5, 6 of the POCSO Act, 2012 registered at Police Station City Nakodar, District Jalandhar (Rural).
2. Notice of motion.
3. On the asking of the Court, Ms. Sakshi Bakshi, AAG, Punjab accepts notice on behalf of the respondent-State.
4. Custody certificate dated 07.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year 09 months and 6 days of actual custody.
5. First bail petition bearing No.CRM-M-44248-2022 filed by the petitioner was dismissed as withdrawn by the Coordinate Bench of this Court vide order dated 30.11.2022.

6. As per the prosecution case, the present FIR was registered at the instance of the complainant-prosecutrix, on account of sexual harassment committed by the son of the petitioner upon her and involvement of the petitioner in the said act.

7. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and she is in custody since 05.08.2022. The petitioner is a female aged about 46 years. He further contends that there are no specific allegations against the petitioner except that she was present at the time when the alleged occurrence took place, wherein the son of the petitioner is alleged to have been involved in committing sexual offence with the prosecutrix. He submits that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

8. On the other hand, learned State counsel on instructions from Inspector Sanjeev Kapoor has informed that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. As per the custody certificate, there is no history of other cases against the petitioner. He has informed that during an enquiry conducted by the police officials, the factum regarding the blackmailing at the instance of the prosecutrix has been unearthed and an FIR No.41 dated 19.04.2023 under sections 388, 506, 120-B IPC and Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 has been registered against the petitioner at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar. This fact has also been confirmed by the Investigating Agency in the status report dated 25.01.2024 filed by way of an

affidavit of Sukhpal Singh, PPS, Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) that aforesaid FIR No.41 dated 19.04.2023 has been registered against said victim XXXX (who is petitioner in present FIR No.88 dated 04.08.2022) and other 3 co-accused.

9. I have considered the aforesaid contentions. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The petitioner is a female, who is aged about 46 years. There is no history of other cases against the petitioner. Learned State counsel has submitted that since after recording some part of the statement of the victim, an application under Section 319 Cr.P.C. was dismissed and now case is still pending for completing the statement of the prosecutrix, as such the conclusion of trial is going to take time.

10. Keeping in view the custody undergone by the petitioner and considering the fact that the petitioner is a female aged 47 years, the petition is allowed.

11. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

12. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

13. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08.05.2024
P.Bhatt

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