



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

284

**CRM-M-3369-2024 (O&M)
Date of Decision : 05.07.2024**

KIRNA

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab for the respondent
assisted by SI Kiranjit.

ALKA SARIN, J. (ORAL)

1. The present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.26 dated 06.05.2022 under Sections 365, 376-D, 120-B of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bhadaur, District Barnala. The first bail petition being CRM-M-5365-2023 was dismissed as withdrawn vide order dated 18.07.2023.
2. Learned counsel for the petitioner would contend that the person against whom allegations of rape were made has since been granted bail by this Court vide order dated 04.09.2023 passed in CRM-M-61007-2022. It is further the contention of the learned counsel for the petitioner that even the DNA Report has not matched with that of the accused against

whom allegations of rape have been made. It is further the contention that the complainant/victim has since been examined and infact she has taken a contrary stand in her cross-examination.

3. *Per contra*, learned counsel for the State has relied upon the status report filed by way of an affidavit dated 14.03.2024 of Manjit Singh Sidhu, Deputy Superintendent of Police, Sub Division Tapa, District Barnala to contend that there are serious allegations against the petitioner that she had administered Tramadol tablets to the complainant and forced her into prostitution. Custody certificate has been filed and as per the custody certificate the petitioner has been in custody for a period of 2 years 1 month and 21 days. It is further the contention that out of 28 prosecution witnesses 16 have already been examined. However, it is not denied that the complainant stands examined and that the other co-accused against whom allegations of rape were made has since been granted the concession of regular bail.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 2 years 1 month and 21 days. Keeping in view the long custody period of the petitioner as well as the fact that the co-accused has since been granted the concession of regular bail by this Court vide order dated 04.09.2023 passed in CRM-M-61007-2022 and the fact that the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner 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 petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds and 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 petitioner 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. Disposed off. Pending applications, if any, also stand disposed off.

05.07.2024

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No