

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

220

**CRM-M-8619 of 2024 (O&M)
DATE OF DECISION :- 11.03.2024**

Puspa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 130 dated 03.04.2023, registered for the offences punishable under Sections 363,366,366-A,120(B),376(2)(n),506,201 of IPC and 6/7 of POCSO Act at Police Station Kalanaur, District Rohtak.
2. Counsel for the petitioner submits that the petitioner is in custody since 25.04.2023 wherein after investigation has been carried out and trial is underway. Learned counsel for the petitioner has further argued that in the first statement made under Section 164 of Cr.P.C by the victim on 19.04.2023, no role whatsoever was attributed to the petitioner whereas in the second statement under Section 164 of Cr.P.C made by the victim on 24.05.2023, general allegations have been made against the present

petitioner. Learned counsel for the petitioner has further argued that allegations of sexual assault etc. primarily pertain to co-accused namely Jitender and Devender. Learned counsel for the petitioner has further argued that the prime prosecution witnesses already stands examined and thus there no no chance of the petitioner interfering with the prosecution evidence thus regular bail be granted to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. The petitioner was arrested on 25.04.2023 wherein after investigation was carried out and the challan stands presented on 23.07.2023. Total 26 prosecution witnesses have been cited and only 7 witnesses out of them stands examined. Thus culmination of trial will take its own time. The rival contentions of the learned counsel for the parties regarding the specific role attributed to the petitioner as also the evidence so far brought on record against the petitioner shall be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions, at this stage, lest it may prejudice the trial. The petitioner is a lady aged about 42 years and has clean antecedents. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 09.03.2024 filed by the learned State counsel, the petitioner has suffered incarceration of more than nine months. Suffice to say,

keeping in view the entirety of facts and circumstances of the case, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of

opinion on the merits of the case.
10. Since the main case has been decided, pending miscellaneous

application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

11.03.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No