

2024:PHHC:065010



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

CRM-M No.19288 of 2024

Date of Decision: 09.05.2024

Kiran Bala

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Mayank Goyal, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made the 2nd attempt to seek the relief of regular bail in the criminal case arisen out of the FIR bearing No.4 dated 03.03.2023 registered at Women Police Station Sirsa, District Sirsa, under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 323, 354-A, 354-B & 365 read with Section 34 IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the victim (here-in-after to be referred as 'P') in the subject FIR, are that on 02.03.2023, while she was playing with some children in the street, the petitioner and her co-accused named Parkash came there and the petitioner asked her (P) to accompany her to her house and on her (P's) refusal to do



so, the petitioner slapped her and Parkash gave fist-blow on her back and both of them dragged her (P) to the house of the petitioner and left her there. Then, another co-accused of the petitioner named Rajender, who was her husband, asked 'P' to open the string of her 'Salwar' (a traditional lower) and when she tried to escape from there, he tore her shirt and 'Salwar' and on her raising an alarm, several persons, including her mother and one Ashok s/o Amar Singh reached at the spot and the petitioner batted a brick which hit Ashok on his head.

3. Status-Report, as submitted on behalf of the respondent-State (by way of the affidavit of Additional Superintendent of Police, Sirsa) along-with Annexures R-1 to R-5 and the vernacular version of Annexure R-4, is already available on the file and all these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner is behind the bars since the day of her arrest, i.e 06.04.2023 and the Challan has been presented and the petitioner has been charge-sheeted under Sections 323 and 365 read with Section 34 IPC only and after the dismissal of the first bail petition of the petitioner, the victim (P) and her mother have been examined by the trial Court as the prosecution witnesses and PW Ashok Kumar has been given up by the prosecution and moreover, the petitioner is not involved in any other criminal case of the similar nature



and in these circumstances, she deserves the relief as prayed for in the instant petition.

6. Learned State counsel does not dispute the afore-referred factual position but he opposes the prayer of the petitioner for the grant of relief of regular bail.

7. Keeping in view the above-discussed facts and circumstances and also the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the criminal case under reference, the petition in hand is, hereby, allowed and the petitioner named Kiran Bala is ordered to be released on regular bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

May 09, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>