

CRM-M-28746-2024 (O&M)
DATE OF DECISION : 31.05.2024

SEEMA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shubham Kaushik, Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana with
SI Rakesh Kumar.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 65 dated 26.02.2024, registered under Sections 354, 34 IPC and Sections 8/17 of Protection of Children from Sexual Offences Act at Police Station Civil Lines, Sonipat.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated at the instance of the first informant, who was not happy due to the marriage of the petitioner with her brother.
3. Learned State counsel has informed that after registration of the FIR, the statement of the victim has also been recorded under Section 164 Cr.P.C. on 27.02.2024. Copy of the said statement is submitted, which is taken on record. Learned State counsel has further informed that there are

serious allegations of sexual assault at the instance of the petitioner who is step-mother of the prosecutrix. Apart from this, there are also allegations that the petitioner has abetted. There are also serious allegations that the petitioner had been constantly mixing *finayal* and acidic substances in the food of the father of the victim and ultimately, the father of the victim had died under suspicious circumstances. Learned State counsel has further informed that post-mortem examination of the victim was also got conducted. The matter is still under investigation. The cause of death of the deceased is also yet to be ascertained. Even the FSL report is awaited.

4. In view of the above circumstances, though the FIR has been initially registered under Section 8/17 of Protection of Children from Sexual Offences Act and under Section 354/34 IPC, however, in view of the statement of the victim which has been recorded on 27.02.2024 for the first time under Section 164 Cr.P.C. and especially keeping in view the fact that the FIR was not at the instance of the victim, the matter requires thorough investigation. Investigation is at the initial stage. The allegations against the petitioner are serious in nature. No ground is made out to release the petitioner on pre-arrest bail. Consequently, the present petition stands dismissed.

31.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No