



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
203

CRM-M-30106-2024
Date of Decision: 13.09.2024

Manorama Pandey

....Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sunil Pandey, Advocate for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 Cr.P.C, for grant of regular bail in case FIR No. 35/2024 dated 01.02.2024 registered under Section 346, now added 366, 376(2)(N), 506, 120B IPC at Police Station Kheri Pul (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that only a missing person FIR (Annexure P-1) has been registered by the complainant/father of the victim against unknown persons. The FIR reads as under:-

“To the SHO police station Kheri Pul, Faridabad, I beg to say respected sir, I Rajesh Kumar Tiwari, Village & Post Virohi, Thana Vindhyachal, Tahsheel & District Mirzapur, Uttar Pradesh, presently residing at the House of Rohtas Sharma S/o Sh. Hari Singh, street no 6, Chandiwalla Bag, behind New Bharat colony, Faridabad. I do the service of Private Guard. I have four daughters. My third daughter namely xxxx aged about 19 years was residing with me in



Faridabad since last 2 months, I have brought her with me. My other children and wife are residing in Village Virohi, Uttar Pradesh. On 31/01/2024 I went on my duty and my daughter xxxx was alone at the home. When I came back at 8:30PM at my home after discharging my duty my daughter xxxx was not find at home I made inquiry with my neighbourhood, I was found that my daughter has gone to somewhere on 31/01/2024 at about 3:30PM without informing to anyone on her free will. Who's Countenance are colour wheatish, round face, healthy body, mark of injury on head, height 4 foot 10 inches age 19 years, wearing laggy kurta sweated in grey colour, red cap on the head, chunni and wearing sleeper. Please lough the compliant of missing of my daughter and trace to my daughter.”

Learned counsel for the petitioner submits that accordingly, the petitioner is not named in the FIR. It is submitted that the name of the petitioner finds mention for the first time in the statement made by the victim under Section 164 Cr.P.C. (Annexure R-2); wherein the only role attributed to the petitioner is that she had allegedly helped the main accused, namely, Radhey Shyam Tiwari to talk with the victim. Thus, there is no specific allegation against the petitioner. It is contended that the petitioner has been unnecessarily embroiled in the present case as the petitioner is a neighbour and distant relative of the victim. Learned counsel further submits that the petitioner has been in custody since 02.04.2024 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.



Learned counsel for the State opposes prayer made on behalf of the petitioner and, on instructions from PSI Ritu, informs that in the present case, initially a missing complaint was made by the father of the victim on 01.02.2024. The victim was recovered on 11.02.2024 from Anand Vihar Bus Stop wherefrom she had made a call to her father to pick her up from there. It is admitted that the petitioner has not been named in the FIR. However, the petitioner has clearly facilitated the crime as per the statement of the victim under Section 164 Cr.P.C. As a result, charges against the petitioner have been framed under Sections 366 and 120B IPC on 29.07.2024.

Learned counsel for the State, on instructions from PSI Ritu, further informs that there are 18 witnesses in the present case, out of which none has been examined so far; the victim and the complainant have been summoned on the next date of hearing fixed before the learned trial Court i.e. on 14.10.2024 for recording of their evidence.

Learned counsel for the State files custody certificate dated 11.09.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 5 months and 10 days.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including: a) the custody period of 5 months and 10 days undergone by the petitioner as an undertrial; b) no other case pending against the petitioner as evident from the custody certificate placed on record; and c) out of total 18 witnesses, none has been examined so far and, therefore, the conclusion of trial will take



considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Manorama Pandey w/o Swapnil Pandey, is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

13.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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