



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-30750-2024 (O&M)
Date of Decision: 27.08.2024

NIRMALA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Kushager Goyal, Advocate and
Mr. L.K. Narang, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.695 dated 28.11.2023, under Sections 376, 376(2)(n), 450, 506, 376-D, 384 IPC, 1860 and Section 6 of the POCSO Act, 2012, registered at Police Station Rania, District Sirsa.
2. Status report by way of an affidavit of Sanjeev Balhara, HPS, Deputy Superintendent of Police, Ellenabad, District Sirsa along with the documents filed on behalf of the respondent-State are taken on record.
3. On 03.07.2024, this Court passed the following order and directed the petitioner to join the investigation:

‘1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 695, dated, 28.11.2023, registered at Police Station Rania, District Sirsa, under Sections 376, 376 (2) (n), 450, 506, 376-D and 384 IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012.



2. Learned counsel for the petitioner inter alia contends that though the petitioner is named in the FIR with the allegations that she had asked the victim to silently handover all the jewelry to her and she would arrange marriage of the victim with his son Pawan, however, when the victim appeared before the Judicial Magistrate and got her statement recorded under Section 164 Cr.P.C., she has only stated that the petitioner had also threatened not to tell anyone about the incident.

2.1 It is further contended that the petitioner has been falsely implicated being mother of the co-accused Pawan. Pawan and Anil (co-accused of the petitioner) have already been arrested.

3. Notice of motion.

4. On advance notice, Mr. Amrik Singh Narwal, D.A.G. Haryana appears on behalf of the respondent-State and upon instructions from Sub-Inspector Raj Bala, has verified that there are allegations of sexual abuse of the minor victim against co-accused Pawan and Anil and recovery of gold ornaments has already been effected from co-accused Anil. The final report('challan') against the co-accused Pawan and Anil has also been presented before the trial Court. He seeks time to file status report.

5. Mr. Naresh Kumar Ganga, Advocate, accepts notice on behalf of the complainant and has filed his memo of appearance in Court today. The same is taken on record. He is directed to file his power of attorney by the next date of hearing.

6. Adjourned to 27.08.2024.

7. In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail, on her furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-

(i) That the petitioner shall further make herself available for interrogation by a police officer as and when required.

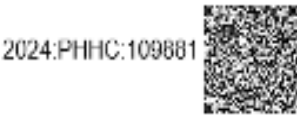
(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.'

4. Learned counsel for the petitioner contends that the petitioner is mother of the co-accused-Pawan, who has already been arrested. The petitioner has joined the investigation in terms of the order dated 03.07.2024 passed by this Court.

5. Learned State counsel on instructions from SI Urmila has informed that the petitioner has joined the investigation in terms of the order dated 03.07.2024 passed by this Court. Learned State counsel has further informed that the allegations of sexual abuse are only against the co-accused-Pawan and

Anil and both of them have already been arrested. The recovery of the gold



articles has also been effected from the co-accused-Anil, however, recovery of cash has not been effected. Final report under Section 173 Cr.P.C. has also been presented against the co-accused-Anil and Pawan.

6. Mr. Naresh Kumar Ganga, Advocate has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record. He submits that there are specific allegations against the petitioner in the FIR that she has allegedly threatened the prosecutrix and asked her to bring jewellery from her parents only then the prosecutrix could marry the co-accused-Pawan.

7. In view of the aforesaid facts and the reasons recorded in the order dated 03.07.2024 and keeping in view the fact that the petitioner has joined the investigation; the allegations and counter-allegations between the petitioner and the complainant are matter of trial; final report under Section 173 Cr.P.C. has already been presented against the co-accused and investigation is almost complete, the present petition is allowed and the order dated 03.07.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

27.08.2024
P.Bhatt

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