

**CRM-49189-2024 in/&
CRM-M-31005-2024 (O&M)**

**111+224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024:PHHC:169247



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CRM-M-31005-2024 (O&M)
DATE OF DECISION : 17.12.2024**

KAMALJIT ALIAS MANJIT ALIAS MOTI ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.
Mr. Amrik Singh Narwal, D.A.G., Haryana.
Mr. Amandeep Chhabra, Advocate for respondent No.2.
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HARPREET KAUR JEEWAN, J. (ORAL)

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1. The application of petitioner for placing on record the deposition of the victim/prosecutrix and the complainant is allowed and the aforesaid documents are taken on record as Annexures P-4 and P-5, subject to all just exceptions.

2. Registry to tag the same at the appropriate place.

Main case

1. The present petition has been filed on behalf of the petitioner under Section 439 of the Cr.P.C seeking regular bail in case bearing FIR No. 41 dated 05.08.2018 under Sections 120-B, 328, 354-(A)(1), 452 IPC and Section 8 of POCSO Act registered at Police Station Women, Hisar, District Hisar.

2. Custody certificate reflecting the custody of the petitioner as 08

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months and 16 days has been taken on record.

3. I have heard learned counsel for the parties and have also gone through the paper-book.

4. The prosecutrix has been examined as witness No.2 by the trial Court on 27.11.2024 (Annexure P-4) and the statement of the mother of the prosecutrix has also been recorded by the trial Court as witness No.3 on 27.11.2024 (Annexure P-5). The co-accused of the petitioner Boota Singh has already been convicted as per the testimony of the prosecutrix. On 04.08.2018, in the middle of the night at about 1.30 a.m., co-accused Boota Singh came to their house and tried to forcibly take the prosecutrix inside the room and when she raised an alarm, her father woke up and tried to catch the co-accused but he fled away from the spot. The witness has categorically stated that the petitioner, who is her aunt, residing in the neighborhood did not come to their house on the day of occurrence and she did not mix red chilli in the food prepared for her father. There is no complaint or grudge against the petitioner who has not committed any offence.

5. The petitioner is stated to be on bail in FIR no. 292 dated 07.05.2015 under Section 174-A IPC registered at Police Station City Fatehabad and in FIR No. 362 dated 15.06.2014 under Sections 384 and 389 IPC read with Section 120-B thereof registered at Police Station City Fatehabad as per the custody certificate. The petitioner is a female of 40 years of age and is having a minor child. Prosecutrix has not stated anything incriminating against the petitioner. The conclusion of the trial is going to take time.

6. Keeping in view the above, without expressing any opinion on

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the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

17.12.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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