



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

298

CRM-M-51588-2024 (O&M)
Date of Decision: 11.12.2024

MANNAT

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Davneet Sangwan, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the 2nd petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.410 dated 25.12.2022 registered under Sections 6, 21 and 17 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Barara, District Ambala, Haryana. Her first petition had been dismissed as withdrawn vide order dated 13.01.2024.

2. Briefly stated the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant-'B' (name withheld) on 25.12.2022 alleging therein that on 24.12.2022, the co-accused Sunita had taken his minor daughter from the school to a room where the present petitioner along with the co-accused Ankush, child in conflict of law and Sahil were present.

The co-accused, child in conflict with law-'P', Ankush and Sahil had



committed aggravated penetrative sexual assault with his daughter.

3. After registration of FIR, investigation proceedings were initiated. The statement of the prosecutrix was recorded wherein she disclosed that when she had been taken by the co-accused Sunita to a room the present petitioner was already there along with co-accused and then the co-accused had pushed her inside a room and child in conflict with law-'P' committed rape upon her. The victim was medically examined. The petitioner was arrested on 13.03.2023. The co-accused were also arrested. Presently, she along with co-accused is facing trial.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The prosecutrix did not make any direct allegation about the involvement of the petitioner in the act of committing sexual assault upon her by the co-accused, while recording her statement under Section 164 of Cr.P.C. The prosecutrix has now been examined before the trial Court and has also not attributed any specific act to the petitioner. The petitioner is in custody since long. She had no role to play in commission of offence of rape upon the victim. The allegations for abetting the offence of aggravated penetrative sexual assault is not made out against her. The co-accused Ankush whose case is on similar footing has been extended benefit of bail vide order dated 12.09.2024 passed in CRM-M-24165-2024. On the ground of parity, she too deserves to be extended benefit of bail. Therefore, it is urged that petition deserves to be allowed.



counsel has argued that there are specific allegations against the petitioner who abetted the commission of offence of aggravated penetrative sexual assault upon the victim by the co-accused by remaining present at the spot of incident and about not doing anything to protect the victim. It is, therefore urged that petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is in custody for a period of over 01 year 08 months and 25 days. She has no criminal antecedents. Challan already stands examined. Trial is likely to take time. The co-accused Ankush against whom similar allegations had been levelled, has since been extended benefit of bail. Keeping in view the period of incarceration of the petitioner, on parity and in view of facts as enumerated above, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Hence, the petition is allowed and petitioner is ordered to be admitted to bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the learned Trial Court.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

11.12.2024
Deepak Patwal

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No