

CRM-M-54371-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-54371-2023

Date of decision: 11.01.2024

Veena Rani

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Gurmeet Kaur, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.568 dated 10.06.2023 (Annexure P-1), registered for the offences punishable under Sections 323, 506, 109 IPC and Sections 6, 17 of POCSO Act at Police Station Sadar, Karnal, District Karnal.

2. The case set up in the FIR in question is as follows:-

FIR No. 153 dated 26.05.2023, U/s 323, 506 of IPC and section 6 of POCSO Act at Police Station Ram Nagar, Karnal. Sir, there is a request that, I Nahim Miyan S/o Salakat Miyan R/o Haquqat Colony, Gali No.6, District Karnal, on the basis of the statements of Nahim Miyan, FIR No. 153 dated 26.05.2023, U/s 323, 506 of IPC and section 6 of POCSO was registered at police station Ram Nagar, Karnal "To the protection officer Mahila Police Station Karnal, Subject: complaint against (1) Veena (2) Ashish (3) Ranul, R/o Balaji Colony, District Karnal, Mob.No. 7056401134, 8168939307. It is humble request that I am Nahim Miyan S/o Sadaqat Miyan resident of Haqiqat Colony, street No. 6, District Karnal. I had four children out of which there were three boys and one girl, Sir, earlier I and my family used to live in a rented house of the above mentioned culprits 6 months ago. Then, due to our poor condition, my

landlord Veena said that give me your daughter Sharun Khatun. Then I gave them my daughter. I thought that my daughter will be brought up well. Then after some time the above said culprits started harassing my daughter. Along with this, the above culprits abused and beat her every day and Ashish and Rahul do wrong things to her and her mother Veena does not say anything to them whereas my daughter Sharun Khatun is 15 years old and is minor, someone told us that something wrong was happening with your daughter. So as soon as I went to see, the above said culprits also abused us and said that if you come back here, they will kill you and neither will be let out daughter go, and even not allowed to meet her. Now this is happening to her every day and I and my brother Sahfulla Mian when we go there, Both the boys say that they will kill us. You are requested to save our daughter from the above mentioned culprits and strict legal action should be taken against them. I will be thankful to you. Investigation of this case was carried out by Roshni, Police station Sadar Karnal, During the investigation, on 29.05.2023, the considering of the victim was done through the child welfare committee, the statement U/s 164 Cr.P.C. was recorded before the Court, and medical examination was conducted. The incident site was inspected at the instance of the victim. During the inspection of the incident spot, the incident mentioned in the case was found to have taken place in colony, Haqiqat Nagar, Karnal, Police Station Ram Nagar in Balaji Colony, Colony is in the jurisdiction of Karnal, due to which this case was registered in police station Ram Nagar, Karnal, The place of incident described in Balaji Colony Haqiqat Nagar has been found to be under the jurisdiction of Ghoghadi Pur Road, Karnal police station. On which Akraaj report is registered in the case on 07.06.2023. after sending the Akhraaj report of the above mentioned case, it is requested that in this regard, order should be given to register a case in Sadar Karnal, Police Station and conduct investigation, SD/- Jagu Singh, SHO, Police Station, Ram Nagar, Karnal. Dated 08.06.2023.”

3. Learned counsel for the petitioner has argued that the investigation in the case is already complete; challan has been presented & no active connivance has been attributed to the present petitioner. Therefore, it is prayed that the petitioner be granted the concession of regular bail.

CRM-M-54371-2023

3

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner, who is a lady aged about 49 years, is in custody since 07.07.2023; challan has been presented on 06.09.2023 wherein total of 23 prosecution witnesses have been cited & the argument raised by learned counsel for the petitioner that the petitioner has not been attributed any active role in the commission of the offences in question will be gone into during the course of trial. The petitioner is not stated to be involved in any other case & no tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in my considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v)

The petitioner shall deposit his passport, if any, with the trial Court.
- (vi)

The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii)

The petitioner shall not in any manner try to delay the trial.
8.

In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9.

Ordered accordingly.
10.

Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11.

Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 11, 2024
Ajay

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