

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55261-2023 (O&M)

DATE OF DECISION : 12.02.2024

SEEMA RANI

... PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.S.Dua, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 259 dated 12.11.2022 registered under Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act (deleted later on) and Sections 182, 193, 195, 389, 506 of IPC added vide Rapat No. 53 dated 27.09.2023 at Police Station Sadar Fazilka, District Fazilka.

2. Status report by way of affidavit of Shubeg Singh, Deputy Superintendent of Police, Sub Division Fazilka on behalf of the State has been taken on record.

3. Initially, the FIR was registered under Section 376 IPC and Section 4 of Protection of Children from Sexual Offences Act at the instance of the present petitioner on the allegations that the prosecutrix, who is about 15 years' old, is residing with her for the last 1-1/2 Years. Both the parents of the prosecutrix have died. On 03.11.2022, at about 9 AM accused Mohal Lal took the prosecutrix on the pretext of engaging her for harvesting Narma crop. However, on the way he stopped his motor-cycle and took the prosecutrix in the fields and committed rape upon her. The prosecutrix was got medically examined and case was registered against accused Mohan Lal. The medico-

legal report of the victim was obtained.

4. Learned State counsel has confirmed that originally the FIR was got registered at the instance of the petitioner. However, during the investigation, a cancellation report was prepared on the ground that the allegations of the petitioner were found false. Thereafter, proceedings under Sections 182, 193, 195, 389, 506 IPC were initiated against the petitioner by recording G.D. No. 53 dated 27.09.2023 for registration of false FIR. The petitioner was arrested on 19.10.2023. Learned State counsel has further confirmed that the challan has already been presented in the Court on 15.01.2024 but the charges are yet to be framed.

5. Custodial interrogation of the petitioner is not required since the investigation is already complete. The petitioner had even sought quashing of proceedings initiated against her by way of filing separate petition bearing CRM-M-57525-2023 on various grounds. The allegations against the petitioner are a matter of trial. The petitioner is in custody for a period of 3 months and 23 days.

6. Keeping in view the aforesaid facts and circumstances and considering the fact that petitioner is a female; she is in custody; challan has been presented and investigation of the case is complete and conclusion of trial will take time, without expressing any opinion on the merits of the case, the application is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

12.02.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**