

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

203

CRM-M-57643-2023 (O&M)
Date of decision: 04.01.2024

Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deepak Kundu, Advocate
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 670 dated 09.11.2022, registered under Sections 384, 376, 506 of IPC (Sections 195-A and 216 of IPC added later on) at Police Station Industrial Sector 29, District Panipat.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant 'R' (*name withheld*) therein that accused Anil, who is son of the present petitioner, was a friend of her husband and used to visit their house and also used to have conversation with her. Sometimes, he used to bring sweets for her. Along with her husband, he

Neutral Citation No. 2024:PHHC:000029

had even started visiting her parental house. In May, 2021, while she was in her matrimonial house, he took her from there to a room in village Nurpur Garhi along with her child and offered sweets and fruits, on eating which, she lost her consciousness and was ravished by him. In the meanwhile, her mother had lodged a complaint about her gone missing but no action was taken by her as the accused had threatened that he had taken her photographs and videos, which he would put on social media. Though a complaint was registered but cancellation report was filed. Even thereafter, the accused kept on sexually abusing her. He had also started blackmailing her by extorting money from her. Ultimately, she had disclosed about the entire facts to her husband and with his support, she reported the matter to the police. After registration of FIR, investigation proceedings were initiated. Accused Anil was arrested. During investigation, the prosecutrix recorded a supplementary statement alleging that the present petitioner, who is mother of accused Anil, had continuously been visiting house of the prosecutrix and was threatening her to withdraw the case lodged against her son Anil. Offences punishable under Sections 195-A and 216 of IPC were added. The petitioner was arrested on 03.02.2023. She had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 10.07.2023.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that she has been falsely implicated in this case. She was not named in the FIR had been subsequently roped in being mother of accused Anil. She had never visited the house of the prosecutrix or extended any threat to withdraw the case lodged against her son. No case for commission of offence punishable under Section 216 IPC had been made out

Neutral Citation No. 2024:PHHC:000029

against her. She is in custody for the last about eleven months. The trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has filed the status report in Court today, which is taken on record. He has argued that there are serious allegations against the petitioner and she does not deserve to be given benefit of regular bail.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have threatened the prosecutrix/pressurized to withdraw the FIR as registered against her son making allegations of committing rape upon the prosecutrix and is further alleged to have harboured the main accused i.e. her son. However, even on the basis of record, no case for commission of offence punishable under Section 216 IPC appears to have been made out as against the petitioner. The petitioner is in custody for the last about eleven months. Neither her custodial interrogation is required nor her subsequent detention would serve any fruitful purpose. Keeping in view the nature of allegations as well as aforesaid facts, I am of the considered opinion that the petitioner deserves to be given benefit of bail.

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

Neutral Citation No. 2024:PHHC:000029

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

04.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>