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

**CRM-M-5514-2025
Date of Decision: 04.02.2025**

Rashmi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Navmohit Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.378 dated 03.12.2024, under Sections 78 & 296 of BNS, 2023 and Section 14 of the POCSO Act, 2012, registered at Police Station Bahalgarh, District Sonapat.

2. Learned counsel for the petitioner has submitted that the petitioner, who is a lady of the age of 26 years, is in custody from 15.12.2024 which is more than 1½ months and after completion of investigation of the case, challan has been presented before the competent Court and thereafter, even the charges have also been framed. He further submitted that the petitioner is having 1½ years old infant daughter, who is also along with her in jail.

3. Learned counsel for the petitioner further submitted that it is a case where vide Annexure P-2, the petitioner got registered an FIR against the present complainant and her husband, namely, Sandeep under Sections 34, 376 & 506 IPC on 04.08.2022 and as a counter-blast to the aforesaid FIR which was lodged

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at the instance of the petitioner, the present FIR was lodged against the petitioner on 03.12.2024 under Sections 78 & 296 of BNS, 2023 and Section 14 of the POCSO Act, 2012 by making false allegations with regard to the fact that the petitioner is harassing the complainant and her daughter and also threatening them that she will make some of the intimate photographs of the husband of the complainant with that of the petitioner viral on social media. He also submitted that the present FIR in which the petitioner is seeking bail was a concocted story only as a counter-blast to the aforesaid FIR which she got lodged vide Annexure P-2. He submitted that even otherwise also, the investigation of the case has already been completed and even charges have also been framed and the petitioner is having 1½ years old daughter, who is inside the jail along with her and therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the infant daughter of the petitioner, who is of the age of 1½ years is inside the jail along with the petitioner. He further submitted that so far as the stage of the trial is concerned, after completion of the investigation, challan has already been presented and thereafter, even charges have also been framed. He has however submitted that since the allegation against the petitioner is serious in nature, she does not deserve the concession of regular bail.

5. At this stage, Mr. Navmohit Singh, Advocate has caused appearance and filed his Memo of Appearance on behalf of the complainant, which is taken on record. He has opposed the grant of regular bail to the petitioner on the ground that she has been harassing and blackmailing the complainant and her husband by threatening that some intimate photographs of the petitioner and the husband of

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the complainant will be put on the social media and therefore, she does not deserve the concession of regular bail.

6. I have heard the learned counsels for the parties.

7. It is a case where the petitioner, who is a lady of the age of 26 years is in custody for more than 1½ months and as per the learned counsels for the parties, she is having infant daughter of the age of 1½ years, who is also with the petitioner inside the jail. After completion of investigation, the challan has already been presented and thereafter, even charges have also been framed. This Court would not go into the aforesaid issue as to whether the present FIR (Annexure P-1) is a counter-blast to the another FIR (Annexure P-2) or not but considering the facts and circumstances of the present case especially the fact that the daughter of the petitioner, who is of the age of 1½ years is inside the jail along with her and also the alleged role of the petitioner in the present FIR, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

04.02.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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