



219
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8682-2025(O&M)
Date of Decision: 20.02.2025

Rani

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Gaurav Gupta, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.484 dated 17.08.2024, under Sections 115(2), 351(3), 137(2), 127(2) of BNS (Sections 142, 215 of BNS added later on) and Sections 4, 17 of POCSO Act, registered at Police Station Saran, District Faridabad.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a lady of the age of 39 years and is in custody for about 5 months. He submitted that the investigation of the case is complete and thereafter challan has been presented but the charges have not been framed. He submitted that the allegations levelled by the prosecutrix in the FIR against the petitioner were that she is a minor and she was taken away by two of the co-accused namely, Sunny and Chirag on a bike to a house where some clothes were put on her mouth due to which she fainted and when she



re-gained consciousness she found herself in the house of some relative of the aforesaid co-accused namely, Chirag and thereafter, the petitioner who is stated to be the aunt of the aforesaid co-accused Chirag came and slapped her and did not give her anything to eat. He submitted that the main accused in the present case are Sunny and Chirag and the petitioner has been falsely implicated in the present case and she is only aunt of the aforesaid co-accused Chirag and otherwise also, she has faced incarceration for about 5 months and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gagandeep Singh Chhina, learned AAG, Haryana appearing on behalf of the State of Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct. He however submitted that specific role is attributable to the petitioner and material prosecution witnesses have not been examined till date and therefore, she is not entitled for the grant of regular bail.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be a lady of the age of 39 years and is in custody for about 5 months and as per learned counsel for the parties, the investigation of the case is complete and thereafter, challan has been presented, although charges have not been framed. As per the allegations, the petitioner is the aunt of the other co-accused namely, Chirag and the aforesaid co-accused namely, Sunny and chirag had taken away a minor girl to a house of their relatives where the petitioner had slapped the prosecutrix and did not give her anything to eat.

6. After hearing the learned counsels for the parties, this Court is



of the considered view that considering the aforesaid fact that the petitioner is a lady of the age of 39 years and she is aunt of the other co-accused namely, Chirag, further custody of the petitioner would not be justified.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

20.02.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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