

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

(225)

CRM-M-33753-2025 (O&M)

Date of Decision: 10.12.2025

Meenu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. D.S. Matya, Advocate for the petitioner.

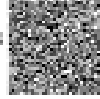
Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.258 dated 04.07.2023 under Sections 4, 6, 17 and 21 of POCSO Act and Sections 323, 366-A, 376(3), 376(2)(n) and 506 of IPC, registered at Police Station Farukh Nagar, District Gurugram.

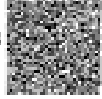
2. The translated version of the FIR is reproduced below:-

“To, SHO PS Farrukh Nagar (Gurgaon). Sir, I, Sanjay son of Partap am permanent resident of Village Kukdola, District Jhajjar. I am married at Village Kherka. I have two brothers-in-law (my wife's brothers). Name of elder is Diwan who has died three years ago, who has three children. His eldest child is daughter xxxx, at second number is xxxxx and at third number is son. His second daughter xxxxx is residing with her mother xxxxx at Farrukh Nagar with a person namely Rajesh. Yesterday I took xxxxx alongwith her mother at Gurukul, Mor Majra, Karnal and in evening when I departed from Gurukul then my niece xxxxx said to me that Fufa Ji (Uncle) Rajesh has forcibly committed wrong act with me in the room where he is residing with my mother. Rajesh raped me for the first time on 10 December. Then he raped me many times. Raped me on 12 March, 24 March, 16 June. Afterwards, one day he introduced me with Supervisor Jitender who works at Supervisor at one company at Akupur but I do not know the name of company. He took me at OYO Hotel at Farrukh Nagar in one car on dt. 11 January 2023, where, he forcibly raped me and said that if you tell this to anybody then I shall kill you and thereafter he left me outside my house at Farrukh Nagar and went away. When my mother came back home from company then I told to my mother xxxxx that firstly Rajesh son Randhir, who reside with you, raped me and then of Jitender raped me. My mother used to give beatings to me and used to



say me that if you tell this to anybody then I shall kill you. Legal action be taken against all of them. Today dt. 04.07.2023 I told this to my wife xxxxx who is bua (paternal aunt) of my niece xxxxx. Today both of us went at Gurukul, Mor Majra, Karnal and picked my niece xxxxx from there and have now arrived at police station. Age of my niece is 15 Years. Requested that legal action be taken against all of them. I want to get conducted the proceedings of case at PS Farrukh Nagar. Sd/- Sanjay Mob. No. 90535-xxxx.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is the mother of the prosecutrix has been falsely implicated in the instant FIR on the statement made by the brother of the deceased husband of the petitioner, levelling the allegation that she had abetted the commission of sexual assault upon the prosecutrix by the other two co-accused. It is submitted that a litigation laying claims on the insurance policy of her late husband amounting to Rs.25 lakhs, of which petitioner was a nominee, had been initiated by the family of her deceased husband. Only to harass the petitioner and compel her to waive off her claim in the said policy as also the property of her late husband, were frivolous criminal proceedings by way of the instant FIR instituted against her. It is the further contention that there is a two day delay in getting the statement of the prosecutrix recorded under Section 164 Cr.P.C., making the possibility of her being tutored highly likely. Even otherwise, there is no evidence on record that points towards the complicity of the petitioner. It is also submitted that there are material contradictions in the version of the prosecution against the petitioner. It is the admitted case that the prosecutrix was never confined by the petitioner, a working woman, yet no attempt was made by the prosecutrix to make a complaint or escape from the clutches of the persons. Learned counsel submits that the petitioner, a 35 year old, has already undergone an actual custody of 2 years, 5 months and 2 days. There is no other case against her. The material witnesses have been examined before



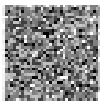
4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 2 years, 5 months and 2 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 21.10.2023 and out of a total of 22 prosecution witnesses, nine have been examined. He submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges were framed on 21.10.2023 and out of total 22 prosecution witnesses, only 9 have been examined till date. The petitioner has undergone actual custody of 2 years, 5 months and 2 days, and there is no other criminal case registered against her. Material witnesses have been examined. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***", (2018) 3 SCC 22.

7. Without commenting anything on the merits of the case, lest it

may prejudice the trial, the present petition is allowed and the petitioner is



ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
 - (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
 - (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
 - (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

December 10, 2025
Ithlesh

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