
(2020) 12 P&H CK 0455

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 20319 Of 2020

Mayawati

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 29-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 363, 366A, 376

Citation : (2020) 12 P&H CK 0455

Hon'ble Judges : Ashok Kumar Verma, J

Bench : Single Bench

Advocate : PKS Phoolka, Bhavna Gupta

Judgement

Ashok Kumar Verma, J

1. The matter is being taken up through Video Conferencing/WhatsApp due to pandemic of COVID-19.

2. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner no.1-Mayawati in case FIR No.61 dated 20.3.2020

under Sections 363/366-A/120-B of the IPC and later on added Section 376 of the IPC registered at Police Station Canal Colony, Bathinda, District

Bathinda. This petition qua petitioner no.2-Sandeep has already been dismissed as not pressed vide order dated 28.12.2020 passed by this court.

3. The story of the prosecution is that case was registered on the statement of Roma, mother of prosecutrix alleging that the prosecutrix is minor as

her date of birth is 15.11.2003. She was studying in 10th standard in High School at Sanjay Nagar. On 16.3.2020 she left for selling fish on her shop

situated near Jodhpur minor/distributory. Her son, who was plying auto rickshaw also left the house for his job. Her daughter i.e. prosecutrix was

alone at home. At about 8.30 p.m., when the complainant returned home, she found the prosecutrix missing. On enquiry, they came to know that her

daughter/prosecutrix had been enticed away by Roshan s/o Hari Ram on the pretext of marriage by conniving with his brother Sandeep, mother

Mayawati and sister of his mother i.e. Banno r/o Yamuna Nagar.

4. Learned counsel for petitioner-Mayawati has submitted that petitioner-Mayawati has been falsely implicated in this case. She is an innocent lady

who has nothing to do with the occurrence. Learned counsel has submitted that main accused-Roshan Lal who is son of petitioner-Mayawati has

already been disowned by her husband Hari Ram on 7.11.2019 by making classified advertisement in the newspaper. He has submitted that an

application was also moved by Rajeshwari w/o Roshan Lal (main accused) on 2.10.2019 against said Roshan Lal, complainant and her daughter, in

which it was stated that Roshan Lal was already married and the complainant had full knowledge regarding this fact and a false story has been

concocted just to implicate petitioner-Mayawati. She has been in judicial custody since 22.3.2020.

5. Learned counsel for the State has vehemently opposed the grant of regular bail to petitioner-Mayawati. She has submitted that petitioner-Mayawati

has been specifically named by the complainant in her initial version. Furthermore, the allegations are serious in nature. Learned counsel for the State

has submitted that this petition is liable to be dismissed qua petitioner no.1-Mayawati as well.

6. I have heard learned counsel for the parties and gone through the paper-book.

7. The fact remains that the prosecutrix has been recovered. Main accused has already been arrested. The role of petitioner-Mayawati is yet to be

established during the course of trial. Investigation is complete. Challan has since been presented. Petitioner-Mayawati is under incarceration since

22.3.2020. Due to outbreak of pandemic of COVID-19, trial would take a long time to conclude. No useful purpose would be served by keeping

petitioner-Mayawati behind the bars.

8. In view of the above and without expressing any opinion on the merits of the case, this petition qua petitioner no.1-Mayawati is allowed. Petitioner

no.1-Mayawati is ordered to be released on bail subject to her furnishing adequate bail/surety bonds to the satisfaction of the concerned trial

court/Duty Magistrate. This petition qua petitioner no.2-Sandeep already stands dismissed as not pressed vide order dated 28.12.2020 passed by this Court.