



CRM-M-12595-2025 -1-

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12595-2025

Date of Decision:- 16.05.2025

Seema

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Mohan S. Chauhan, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

Petitioner Seema has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail/pre-arrest bail in case FIR No. 98 dated 22.09.2020 under Section 328 and 506 of IPC and under Section 17 and 4 of POCSO Act (Section 376(3) IPC and Section 67-A of Information Technology Act, 2008 added and Section 328 IPC and 17 POCSO Act deleted later in challan) registered at Police Station Women, District Ambala.

2. Brief facts of the case are "RB" filed written complaint against Seema wife of Gopal and Gopal son of Ram Kishan with allegations of commission of rape with her minor daughter after giving her some intoxicant substance and preparing her video and circulating it on internet. It is alleged that her minor daughter i.e. victim was born on 13.07.2006. Seema was residing in their neighbourhood, whom victim addressed her as



'Bua'. On the day of occurrence i.e. 07.06.2020, victim accompanied Seema to collect rent. Complainant had gone to meet her elder daughter at Narwana. Thereafter, when victim returned alongwith accused Seema, she told her daughter to take food alongwith her. Seema mixed some intoxicant in food and after consuming the same, victim became unconscious. Thereafter, Gopal – husband of Seema committed rape upon her daughter and Seema recorded her video. Victim regained senses and she was in pain. Seema told her to remain silent, otherwise, they will circulate video and also threatened to kill her mother and brother. Later on, complainant came to know about video of her daughter being circulated with persons living in locality. She talked to victim who disclosed about said occurrence. With these allegations, present FIR was registered.

3. Learned counsel for petitioner argued that initially she was found innocent during investigation and later on she was summoned on application under Section 319 Cr.P.C. Initial order passed by learned Additional Sessions Judge, Fast Track Court under POCSO Act, Ambala dated 07.09.2021 is Annexure P-5. Thereafter, another application was filed by complainant under Section 319 Cr.P.C. which was again declined vide order dated 30.11.2021 (Annexure P-6). Said order was set aside by this Court in Criminal Revision No. 186 of 2022, decided on 09.01.2025 (Annexure P-8) and now again summoning order has been passed qua petitioner vide order dated 29.01.2025 (Annexure P-9). Other co-accused is in custody. Challan is already presented. She is not required for further investigation. She is ready to abide by terms and conditions of bail order. Therefore, her anticipatory bail petition may be allowed.



4. Bail petition is opposed by learned counsel representing State of Haryana assisted by learned counsel for complainant. It is pointed out that present petitioner was specifically named from the very beginning. Allegations against her are specific and serious in nature. Victim involved in this case was minor girl who was raped by main accused Gopal and present petitioner had recorded her obscene video. Therefore, considering the facts and gravity of offence, she is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. As referred above, petitioner was not challaned initially and now she has been summoned on application under Section 319 Cr.P.C. Investigation is already completed. Challan was also presented. Petitioner is not required for any other purpose. Considering the aforesaid factual position, no purpose would be served by sending her behind the bars. She is ready to face the trial. Therefore, without going on merits of case, anticipatory bail petition filed by petitioner – Seema is allowed. She is directed to surrender before the trial Court within 10 days from today and be released on bail to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

16.05.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No