

CRM-M-30947-2024

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

CRM-M-30947-2024
Reserved on: 06.09.2024
Pronounced on: 27.09.2024

Veena Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-31517-2024

Veena Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-31532-2024

Veena Yadav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. P.S.Bindra, Advocate
Ms. Malini Singh, Advocate
for the petitioner (in all the cases).

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
18	01.05.2024	Anti-Corruption Bureau, District Gurugram	409/420/465/467/471/201/120-B IPC and Section 13 of PC Act, 1988

1. Petitioner is involved in three cases of similar nature and filed three petitions for bail in all cases. Detail of one case is captioned above and remaining are given below:-

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	19	01.05.2024	409, 420, 465, 467, 471, 201, 120-B IPC and 13 of PC Act	ACB, Gurugram
2	20	01.05.2024	409, 420, 465, 467, 471, 201, 120-B IPC and 13 of PC Act	ACB, Gurugram

2. The petitioner apprehending arrest in these FIRs has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail by filing three different petitions.

3. Since all these petitions are related to similar nature of fraud and only difference among these is qua the amount, therefore, these petitions are being decided by this common order. For brevity, the facts are being taken from CRM-M No.30947 of 2024.

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"3. That the brief facts of the case are that a preliminary enquiry which was conducted by a SIT pertaining to higher education department upon which a preliminary inquiry No, 01 dated 29.06.2021 Narnaul, was registered which was duly approved from State Government vide 32/5/2021-4(1) dated 25.06.2021 and Edst. No. 9793/1-2/SVB(H) Dated 29.06.2021. The Chief Secretary Haryana Government vigilance department had directed the Director General, State Vigilance Bureau (now Anti Corruption Bureau,) Haryana Panchkula to conduct a preliminary inquiry vide letter no. order No 63/24/2022-1 dated 01.06.2022 upon this inquiry no. 01 dated 09.06.2022 was registered at The Director General State anti corruption Bureau and was received in the Anti Corruption Bureau Gurugram vide No. 9258/1-2/ACB dated 10.06.2022 of the Director General Anti Corruption Bureau Haryana Panchkula Office in which the following allegations were to be investigated.

4. That Rohitash Degree College and Rohitash College of Management Ateli Mahendergarh had prepared fake scholarship award rolls for Post Matric Scholarship Scheme in the year 2014-18 for Scheduled caste and Backward Class students and the same were sent to the Directorate of Higher Education Haryana Panchkula in connivance with unknown employees thereby causing huge loss to the extent of Rs 10,35,17,000/- by misappropriating the scholarship money which was given by Directorate of Higher Education Haryana. (Award Roll is annexed as Annexure R-1).

5. That after perusing the statements of witnesses record and as per the SIT report and as well as audit report obtained in the preliminary enquiry it was found that the Government of India provided financial assistance under the Post Matric Scholarship Scheme to the students of Scheduled Caste and Backward Class communities for pursuing higher education. The Department of Higher Education is

responsible for scrutinizing all the documents submitted by the students, approving the claim of the actual beneficiary and paying the scholarship in case of under graduate and post graduate courses in Arts, Science Commerce and Management.

6. *That the Department of Higher Education has to make the PMS payment for each student in two parts 1 directly to the college/ institution in the form of management share fees and through Direct Benefit Transfer (DBT) into the bank NO // account of the students as they are linked to the Aadhaar number as maintenance allowance. Petitioner Rohitash the Chairman of Shri Mati Sarti Devi Educational Charitable Trust (regd) Ateli Mandi has opened Rohitash Decree College and Rohitash Institute of Management Ateli.*

7. *That in Rohitash Degree College students of B.A., B.SC, B. Com, M.A., M.SC, M. Com course are admitted and in Rohitash Institute of Management Ateli admissions of management related courses M.B.A., and M.C.A., are done The Rohitash Degree College and Rohitash Institute of Management Ateli was recognized with Maharshi Dayanand University Rohtak during the years 2014 to 2017 and during the year 2017-18 it was recognized with Indira Gandhi University Meerpur, District Rewari.*

8. *That Rohitash Degree College and Rohitash Institute of Management prepared and sent scholarship award rolls of Scheduled Caste and Backward Class students to the Director of Higher Education Haryana Panchkula in the year 2014-18 under the Post Metric Scholarship Scheme.*

9. *That the management share i.e. Rs 10,35,17,000 was deposited by the scholarship branch of the Directorate of Higher Education, Haryana in the account of Rohitash Degree College and Rohitash Institute of Management When Kuldeep Singh, Deputy Scholarship Branch, posted in the Directorate of Higher Education Panchkula came to know about this on 20.06.2018, then SIT was formed to investigate and examine the records of Rohitash Degree College and Rohitash Institute of Management regarding payments of scholarship to scheduled caste and backward class students under the Post Metric Scholarship Scheme in the year 2014-18 paid by Director of Higher Education Panchkula.*

10. *That according to the audit report of the Departmental SIT of Higher Education Department Panchkula and Principal Accountant General, Audit, Haryana for the period from 04/2014 to 03/2018 it has been found that while preparing the cash book by the scholarship branch of Directorate of Higher Education, Haryana, Panchkula proper entries were not made in the books. The entries in the cash book do not indicate the name of the college to which the payment has been made Cash Bills, Vouchers, award rolls of colleges have also not been shown as per the entries made in the book. During the inspection/Audit, due to disorganized cash book records, it was made impossible to know what payments were made by the scholarship branch and that how much amount was disbursed to the students and they were from which college. The records have also not shown income certificates.*

11. That on 26.07.2018 Rohitash Singh Yadav had come to Police Station Ateli and moved an application before the SHO to inform that a fire incident had occurred in the Rohitash International Sen. Sec. School, Rohitash Institute of Management, Rohitash Polytechnic and Rohitash Degree College and the old record up to session 2017-18 session has been burnt in the said fire. The cause of fire was disclosed to be short circuit. Accordingly a DDR No21 dated 26.07.2018 was registered in the Police Station Ateli in connection with the said fire incident. The confirmation of aforesaid fire incident has been made by the Head Constable Sukhvir PS Ateli and he has recorded the same in Rojnamcha as DDR No 23 dated 26.07.2018.

12. That it is worthwhile to mention here that at the time when the fire incident is disclosed to have taken place, during the same period the Audit department was searching the accounts of the institutions in relation with the aforesaid scam.

13. That it can be said that the fire incident that occurred at the above mentioned institution was pre-planned and has been done knowingly. According to the audit report and SIT report, it was found that during the period from 04/2014 to 03/2018 a total of 3680 Scheduled Caste/ Backward Class and other category students of Rohitash Degree College and Management College Ateli were enrolled under the Post Matric Scholarship Scheme. That 3680 Scholarship award rolls were sent to the higher education department out of which 2549 students were not registered by the universities Scholarship awards of 304 Scheduled Caste /Backward Class students were sent whereas they were found to be of General category. Regarding the 550 students for whom Rs 1.77 Crore were paid to the said colleges, the above said amount does not tally with the university registration data and the award rolls of all the 550 students were not matching with the courses mentioned in the college records.

14. That only 277 students to whom the Rs 7.98 Lakh ruppes were disbursed were matching with the registration record of the universities. The disbursement of Maintenance allowance amounting to Rs 65.16 Lakh for 1342 students of Rohitash Degree College Ateli and Rohitash Institute of Management Ateli through DBT had failed and even then also the Scholarship branch of the Higher Education Department merged to disburse the said amount to the Colleges.

15. That as the transfer of the scholarship maintenance amount failed twice and did not get transferred in the accounts of students then said amount should have been deposited back in the accounts of the department. But even after three unsuccessful attempts the said amount was not deposited in the account of the department in violation of the orders of Finance Department.

16. That by hatching a criminal conspiracy by Rohitash Degree College, Rohitash Management College Ateli Chairmen Petitioner Rohitash Singh, Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendragarh and college administration and unknown officers employees of Scholarship Branch of Directorate of Higher Education Department, in collusion with the employees and misusing

their position, embezzled the amount by paying the said amount to the colleges only Whereas after failure of DBT transfer the department should have become alert on the issue against these students and the fees of these students as well as Management share should also have been investigated.

17. *That during the preliminary enquiry on 26.08.2022 a correspondence was made by the then investigating officer to the Director, Higher Education Department, Haryana Panchkula to obtain the records regarding the allegation. However the record was incomplete and was not in order thereafter. On dated 27.12.2023 inquiry officer visited the office of the Scholarship branch of Higher Education Department, Panchkula personally but the Deputy Director and other concerned assistants clerks were unable to provide complete records and they were not in a position to help the investigation officer.*

18. *That on 11.01.2024 investigating officer has written a letter to the Principal of Rohitash Management College and Rohitash Degree College. In this regard the Principal of Rohitash Management College and Rohitash Degree College sent a letter dated 11.01.2024 and gave are explanation that the required record had been burnt in the fire incident and did not provide any record. In this regard the investigating officer has telephonically contacted the Chairman of aforesaid colleges namely petitioner Rohitash Singh and asked him to provide requisite records but the petitioner Rohitash Singh had also disclosed that the aforesaid record has been burnt in a fire incident. It appears that in order to hide the embezzlement the petitioner did not provide the required records nor did he cooperate in the enquiry.*

19. *That during the enquiry it was further revealed that Rohitash Degree College and Rohitash Management College in the session year 2014-15 has been preparing fake scholarship awards and Rolls and sent the same to the Higher Education Department, Haryana. The scholarship rolls of Scheduled Caste and other backward class sent by the Rohitash Degree College and Rohitash Management College were to be verified by the branch of Higher Education The scholarship amount of these students should have been. approved only after verifying the scholarship award roll of the students but in the year 2014-15 the scholarship branch of the Higher Education by misusing their position and in connivance with Rohitash Degree College and Rohitash Management College sanctioned the amount for fake students without verifying their scholarship award rolls and directly transferred the amount to the above fake students by depositing money in the accounts of both the above colleges of petitioner and it was recommended that a case is to be registered 409, 420, 465, 467,471, 201 and 120B of IPC and 13 PC Act (Before amendment) Under the above sections against the unknown officers employees of the scholarship branch of the Directorate of Higher Education Department, against Rohitash Degree College, Chairman of Rohitash Management College, Ateli. Rohitash Singh Smt Srti Devi Educational Charitable Trust (Regd), Ateli Mandi, Mahendergarh and officers of the college administration.*

20. That the final report of the investigating officer was sent to the higher authorities with recommendation to register a criminal case on 02.02.2024. It was sent to The Director General Anti Corruption Bureau Haryana Panchkula According to the letter No 6082/1-2 dated 20.02.2024 from the office of The Director General Anti Corruption Bureau Panchkula the final report of preliminary investigation has been approved vide 8787/1-2/ACB(H) Dated 10.04.2024 The act of the above accused is Ex-facie Criminal in Nature hence no permission under section 17A Prevention of Corruption Act 1988 is required as per directions issued by the Chief Secretary Office letter No 4/2/2021/1 VII dated 26.07.2022.

21. That thereafter the present FIR was registered against unknown officers and employees of the correspondence branch of the Directorate of Higher Education Department Rohitash Singh Chairman of Rohitash Degree College Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh and Officers employees of the college administration for offences under sections 409 420 465 467, 471 201 120B IPC and 13 PC Act 1988.

22. That thereafter the investigation of the present case was put in motion and it was revered that petitioner Veena yadav (wife of co accused Rohtash Singh) was Secretary cum Principal of the Rohitash Degree College Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh and petitioner Veena yadav who is wife of co accused Rohtash singh is secretary cum principal of both the above colleges and during the course of investigation on 01.05.2024 the records pertaining to Rohitash Degree College Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh for the year 2014-15 of the students from the registration branch of MD University Rohtak were taken in possession.

23. That during the investigation on 02.05.2014 member of special Investigation Team of the Directorate of Higher Education department were joined into the investigation and their report was taken into possession.

24. That during the investigation on 03.05.2024 a notice under section 91 CrPC was given to State Bank of India, branch Sec 8, Panchkula with regard to account No. 65759048846 and 65159989362 thereafter statement of bank account No. Pertaining to Rohitash Degree College Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh 30130200000418, 30130200000469 and 301302000000373.

25. That thereafter record pertaining to scholarship of Rohitash Degree College and Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh were taken in possession from higher Education department. Which shows that above both colleges used to send a false report that the amount was disbursed in the accounts of the students and (the copy of report is annexed as Annexure R-2).

26. *That it is pertinent to mention here that on the said preliminary enquiry three FIRs were lodged and the present FIR pertains to embezzlement caused in the year 2014-15 and FIR No. 19 Dated 01.05.2024 under section 13 of PC Act 1988 and 409,420,465,467,471,201,120B IPC pertains to embezzlement caused in the year 2015-16 however during the course of investigation of FIR No. 20 Dated 01.05.2024 under section 13 of PC Act 1988 and 409,420,465,467,471,201,120B the premises of Rohitash Degree College and Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh were searched on 18.05.2024 and during the search, records pertaining to session 2013-14 to 2017-18 were seized. It is pertinent to mention here that petitioner during the preliminary enquiry had stated that all records up to 2018 had been burnt in the fire incident on 26.07.2018 and in this regard he also got registered DDR No. 23 Dated 26.07.2018 at PS Ateli Mahendergarh. This shows the dishonest intension of the co accused Rohtash and his wife petitioner Veena Yadav.*

27. *That during the course of investigation on examination of the above documents it was found that the trustees of above institute (Rohtash Singh and petitioner Veena Yadav(wife of co accused Rohtash Singh) in connivance with their employee and officials/officers of higher education department after hatching a criminal conspiracy prepared forged, fabricated documents i.e. Adhar Card Bank accounts and siphoned of the government money amounting Rs. 2,58,59,200 during the session 2014-15 by means of corruption and caused huge loss to the state exchequer and caused gain to them selves. 28. That during the course of investigation it was reveals that the said amount of Rs. 2,58,59,200/- was transfered directly to the accounts of the students but the amount was not credited in the accounts of students as the accounts were fake hence the concerned bank had sent the amount back to the higher education branch Panchkula.*

29. *That it is pertinent to mention here that authorities of higher education department directed the bank to deposit the said amount sin the accounts of Rohitash Degree College and Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh. (the copy of authority letter is annexed as Annexure R-3).*

30. *That it is pertinent to mention here that the said amount 2,58,59,200/- was transferred in the account No. 30130200000418, 65159048846 and 30130200000469 which pertains to Rohitash Degree College and Rohitash Management College Ateli Smt Sarti Devi Educational Charitable Trust (Regd) Ateli Mandi Mahendergarh. Further it is pertinent to mention here that the said amount was not disbursed in the accounts of students and used by petitioner himself. (the copy of bank record is enclosed as Annexure R-4.”*

5. The petitioner's counsel raised the following arguments:

“5. *That as per rules, students themselves used to fill the Performa online for obtaining benefit of post matric scholarship of schedule caste*

and other backward classes, and college had nothing to do with the filling up of these forms and availing the said benefits which was directly done by the students themselves.

6. *And thereafter, it was the burden duty of the officials of the Director Higher Education to compare their names as per the admission record because the student has to apply directly on the portal of Director Higher Education for the admission in the Degree College as well as in the management Institute for pursuing MBA and other degrees.*

7. *As per the application filled on the portal along with the documents, the Director Higher Education allotted the sheet to the student as per their choice and on merit basis and the list of those students allotted to the particular institute for admission, the same be sent to the particular institute and the names were registered as per the registration number by DHE and it was the duty of the officials of higher education to send the registration number along with their names and category to the concerned universities.*

8. *So, in this procedures, the degree college as well as the management college was not having any role for their admission and the documents uploaded on the portal by the students has to be checked by them and it was not the duty of institute itself.*

9. *So, in this way, as per the above procedure of admission, the institute was not having any role. So, the institute was not having any opportunity to prepare the fake list of students and their category etc.*

10. *That As Per Allegations in the FIR, that in the preliminary inquiry, the statement of the witnesses recorded and as per the SIT report as well as, as per the audit report, it has been alleged that the amount of post metric Scholarship be paid in two parts, in which one of the share of college/institute in the shape of fees and the other scholarship amount to be paid in the direct benefit transfer.*

11. *In the said enquiry report it has not been mentioned specifically that since the year 2014 to 2018, what amount was transferred as the share of college or institute and what amount was specifically transferred in the direct account of the students.*

12. *So, in the preliminary inquiry as well as in the SIT report and in the audit report, it has not been specifically found regarding the direct benefit transferred to the students as well as the share of management in the shape of fees.*

13. *So, the preliminary inquiry itself is without any basis and it is based on supposition and presumption.*

14. *That even in the status report filed by the state, it is mentioned as according to the audit report of the Departmental Accountant General, Audit, Haryana for the period from 04/2014 to 03/2018 it has been found that while preparing the cash book by the scholarship branch of Directorate of Higher Education, Haryana, Panchkula proper entries were not made in the books. The entries in the cash book do not indicate*

the name of the collage to which the payment has been in Cash Bills, Vouchers, award rolls of colleges have also not been shown as per the entries made in the book. During the inspection/Audit, due to disorganised cash book records, it was made impossible to know what payments were made by the Scholarship branch and that how much amount was disbursed to the students and they were from which college the records have also not shown income certificates.

15. *That during the preliminary enquiry on 26.08.2022 a correspondence was made by the then investigating officer to the Director, Higher Education Department, Haryana Panchkula to obtain the records as was in complete regarding the allegation. However the record was not in order thereafter. On 27.12.2023 Inquiry Officer visited the office of the Scholarship branch of Higher Education Department Panchkula personally but the Deputy Director and other concerned assistants, clerks were unable to provide complete records and they were not in a position to help the investigating officer.*

16. *That during the course of investigation it was revealed that the said amount of Rs 2,58,59,200 was transferred directly to the accounts of the students but the amount was not credited in the accounts of students as the accounts were fake hence the concerned bank had sent the amount back the higher education branch Panchkula.*

17. *That in view of above-mentioned facts, the custodial interrogation of the petitioner is not required, the alleged scholarship was given for the year 2014-2018 and the present case has been got registered after 6 years of the payments being made and it is also mentioned in the status report that they are unable to find any record to show as to how much payment was made and to whom it was made. Even the investigation agency are not able to find out the admission rolls of the students to substantiate whether any misappropriation has occurred or not.”*

6. Counsel for the petitioner submits that whatever the amount as allegedly embezzled goes to the account of the Institute/College and the State is at liberty to recover the same from the College in accordance with law.

7. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

8. The State's counsel opposes bail and refers to the reply.

9. It would be appropriate to refer to the following portions of the reply, which read as follows:

“31. *That during the course of investigation it was also revealed that petitioner Veena Yadav wife of co accused Rohtash Singh had prepared a award roll and the same was sent to the Director Higer Education Department, Haryana Panchkula for scholarship.*

32. *That from the above award roll in which the names of students and their address were verified and it was found that no such persons were existing on the given address. (The verification report is annexed as Annexure R-5).*

33. *That it is also pertinent to mention here that in the enquiry also it was revealed that one account has been mentioned against name of many students and some accounts were not found available with the banks. Further it is pertinent to mention here that on the said preliminary enquiry three FIRs were logged and the present FIR pertains to embezzlement caused in the year 2014-15 and FIR No. 19 Dated 01.05.2024 under section 13 of PC Act 1988 and 409,420,465,467,471,201,120B IPC pertains to embezzlement caused in the year 2015-16 however during the course of FIR No. 20 Dated 01.05.2024 under section 13 of PC Act 1988 and 409,420,465,467,471,201,120B IPC it was revealed. The account numbers of their bank is of 13 digits. One bank account of Canara Bank bearing No. 617500021 has been shown as against the names of nine students. This fact is clearly proved the reply of the bank dated 16.05.2024 send in the response to the letter date 15.05.2024 of the investigating officer copy and reply to the letter are attached as (Annexure-6 and 7).*

34. *From the Perusal of letter dt. 16.05.2024. It is also got established that the amount has been wrongly transferred by the Director Higher Education Haryana, Panchkula in Account of the Rohtas Degree College & Rohtas Management College A/c no. 30130200000469,30130200000418. The bank has furnished the details in response to the notice dt. 3.05.2024 of the I/O. The copy of the seizure memo attached as (Annexure 8).*

35. *The crime was committed under a clever and calculated move. Such type of crimes are increasing day by day in the society. Custodial interrogation in such type of matters is necessary in order to elicit better truth. That custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail. The provisions of anticipatory bail are required to be utilized in extraordinary exceptional cases. It is not a case which falls in the category of any exceptional case.”*

10. The evidence collected is primarily documentary pointing towards the petitioner's involvement, knowledge and awareness of the fraud perpetrated by her and her husband, Rohitash Singh Yadav.

11. There is sufficient prima facie evidence connecting the petitioner with the alleged offense. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges and even to deny anticipatory bail, but this Court is considering to grant her bail on the following reasons:-

12. The petitioner is the mother of a ten-year-old daughter, and her husband, who is a co-accused in the case, is currently in judicial custody following the dismissal of his anticipatory bail by this court. The petitioner's counsel has made a strong plea for bail,

emphasizing that the petitioner is unable to entrust her daughter's care to any immediate family member. In response, the State counsel has suggested that the petitioner's extended family members could assume custody of the child. However, the petitioner contends that her daughter is at a crucial and sensitive stage of development, requiring careful attention, nurturing, and management of several delicate responsibilities. She contends that her extended relatives, particularly given the involuntary nature of the burden thrust upon them due to her circumstances, would be unable to provide the requisite level of care and support.

13. Given that the child's father is in custody, it would be unreasonable for the court to defer consideration of the petition until the father's potential release on bail, only to then incarcerate the mother. The legal issue thus arises as to whether the petitioner's bail can justifiably be denied on the grounds of parity, considering the father's bail was refused without the presumption of innocence. As the *parens patriae*, the Court bears the responsibility to safeguard the child's interests and cannot relinquish this duty by placing her welfare in the hands of relatives. This is especially pertinent given that the mother, as the primary custodian, has explicitly expressed a lack of confidence in the capacity of any immediate family members to adequately ensure her daughter's safety, education, and emotional and social well-being, thereby compromising her overall security and welfare. This Court finds it justifiable to grant bail to the petitioner, notwithstanding the existence of *prima facie* evidence against her, in consideration of the overarching well-being and needs of the child. This decision is anchored in the paramount importance of ensuring the child's safety and recognizing the weight of the mother's judgment in safeguarding her daughter's welfare. This Court should refrain from questioning the mother's judgment, as it is generally accepted that, under ordinary circumstances, no one is better positioned to assess a child's safety and best interests than her mother. Considering this, it would be inappropriate to entrust the child's well-being to the relatives, given the mother's plea and her concerns regarding their capacity to provide adequate care.

14. At the age of ten, a child enters early adolescence, a critical phase of cognitive, emotional, and social development. During this formative period, the child's psychological and physical needs change significantly, requiring constant guidance, emotional stability, and nurturing. The role of the mother is particularly pivotal at this juncture, as she provides not only the primary emotional support but also helps shape the child's evolving sense of identity, security, and moral framework. The mother's presence is essential for fostering a stable environment and is critical for navigating the complexities of early adolescence, including emerging independence, social pressures, and the development of self-esteem. Given the sensitive nature of this stage, the absence of a mother's direct involvement could detrimentally affect the child's emotional resilience, adaptation, and overall well-being. Thus, the grounds for granting bail,

especially keeping the current ground realities of the region in mind, outweigh the reasons to detain the petitioner, and the Court is exercising its judicial discretion to grant the same.

15. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration of petitioner at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

16. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

18. This order is subject to the petitioner's complying with the following terms.

19. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

20. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and

circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

21. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: YES