

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-33846 of 2015 (O&M)
Date of Decision: 18.05.2016

Gurtej

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jainainder Saini, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

CRM No.16319 of 2016

Application is allowed as prayed for.

Documents at Annexures P-2 and P-3 are taken on record.

Main Case

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.112 dated 11.2.2015 under sections 109, 120-B, 372, 373, 342, 506 I.P.C (challan presented under sections 109, 120-B, 506, 343, 370, 370 (A) (1) I.P.C) registered at Police Station, Sadar Hisar, District Hisar.

Learned counsel for the parties have been heard.

F.I.R came to be registered at the instance of complainant Rajni. As pr complainant's version, about six months prior to registration of the F.I.R dated 11.2.2015 she had gone to a Gurudwara and there upon became acquainted with the present petitioner as also his wife namely Anita. Complainant's version is that there upon they had adopted her as their religious daughter and was taken to Patiala. She is stated to have been kept as a hostage for five months. Further assertion is that a number of other

ladies used to visit the house of the present petitioner and the complainant had got suspicious that these ladies belonged to a gang involved in selling of women. Thereafter, the complainant is stated to have been taken to Hisar and then got married to one Bharat Bhushan. Allegations are that Bharat Bhushan used to ill treat the complainant and proclaimed that he had purchased the complainant for a sum of Rs.1 lac. Precise allegation against the present petitioner and other co-accused is that they have sold the complainant to Bharat Bhushan against consideration.

Petitioner was arrested on 15.2.2015.

During the course of arguments today, counsel has adverted to the deposition of the complainant examined before the Trial Court as PW-1, wherein she has clearly stated that her second marriage with Rajesh was solemnized on 21.5.2014 and at the house of accused Gurtej/present petitioner.

Counsel would contend that such deposition would itself be at clear variance with the initial version of the complainant which led to the registration of the F.I.R and whereby the assertion was that she had met the accused/present petitioner as also his wife Anita for the first time only six months prior to the registration of the F.I.R and that also in a shrine/Gurudwara.

Learned State counsel would apprise that in the trial that has ensued, out of 13 prosecution witnesses only six have been examined till date.

Without making any observations on merits and coupled with the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Hisar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.05.2016
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