

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

**Crl. Misc. No.M- 38186 of 2015
Date of decision : 11.03.2016**

Jaswant Singh

.....Petitioner(s)

Versus

Central Bureau of Investigation, Chandigarh

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. SS Sandhu, Advocate
for the respondent-CBI.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR case No.RC No.5(S)/2012/SCB/CHG (recorded in the FIR as RC512012(S)/0005) dated 12.07.2012 under Sections 120-B read with Sections 354, 376, 342, 323, 506, 109, 374, 366-A, 365, 372, 418, 420, 468, 471, 217, 218 IPC and Sections 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 and Section 16 of the Bonded Labour System (Abolition) Act, 1976 and Section 23 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, registered at Police Station CBI/SCB/CHG, Chandigarh.

Counsel for the petitioner contends that the petitioner is in custody for almost 4 years and 185 witnesses have been cited and only 35 witnesses have been examined. Counsel further states that the only person who had made allegations of rape against the petitioner was Poonam. It was urged that in her first statement made on 21.06.2012 and in the supplementary statement made on 26.06.2012 she did not level allegations of rape against the petitioner nor she had named him in the statement recorded before the Magistrate and had accused Jai Bhagwan and Satish of rape and DNA examination was carried out and involvement of Jai Bhagwan was found. It was urged that the prosecution has not been able to examine their witnesses in four years and it may take few more years to complete the trial and since the prosecutrix has been examined, there is no question of any threat.

The petition has been opposed by the CBI. It has been urged that they have placed on record the statement of the prosecutrix, which was recorded by the Inspector and she had explained as to why she had not named Jaswant and it was out of fear of the police who had threatened her and this is their infamous case of 'Apna Ghar' at Rohtak and the petitioner is the real brother of Jaswanti who is the main accused and all the inmates were minor girls. It was urged that mere fact that the accused was in jail for a long period, would not a ground for bail.

He has referred to ***Rajesh Ranjan Yadav @ Pappu Yadav Vs. CBI through its Director 2007 AIR (SC) 451***. It was urged that the allegations are serious and keeping the larger interest of the society, bail should not be allowed, however, directions can be given to the Court below to fix the case on shorter dates and they would produce their witnesses on the dates which may be fixed by it.

The prosecutrix has named the petitioner. There are allegations of rape. The girls were inmates of 'Apna Ghar' (orphanage/shelter home). The caretaker of 'Apna Ghar' was Jaswanti. The petitioner is her brother. The inmates who were minor were ravished by number of people. Considering the seriousness of the offence, I am not inclined to grant bail. The petition is dismissed. But directions need to be given to the trial Court. The list of witnesses is long. Only 35 witnesses have been examined till date, therefore, the trial Court is directed to expedite the trial and list the case every week. CBI will ensure that correct address of the witnesses are provided and service on the witnesses are effected.

A copy of this order be sent to the Court concerned.

11.03.2016
sunil

(ANITA CHAUDHRY)
JUDGE