

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

CRM No. M-20072 of 2016

Date of decision: 20.01.2017

Shamshad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil K. Nehra, Advocate,
for Mr. Sanjeev Kumar Panwar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R No.32 dated 22.03.2015, under Sections 363, 366-A, 376-D IPC and Section 5 (g) of the Protection of Children from Sexual Offences Act, registered at Police Station, Buria, District Yamuna Nagar.

Co-accused of the petitioner namely, Irfan and Jahangir have already been released on regular bail vide orders dated 12.02.2016 and 04.04.2016 (Annexures P-2 & P-3 respectively). The role attributed to the present petitioner is that he along with co-accused Kasim had facilitated Jahangir and Irfan in taking the girls in their car and thereafter, raped the prosecutrix. While granting regular bail to co-accused Irfan vide order dated 12.02.2016 (Annexure P-2), it had been observed by this Court that the prosecutrix had admitted her signatures on the *nikahnama*, but before the Court, she had stated that her signatures were taken forcibly.

counsel, the petitioner has been in custody for the last 10 months and 15 days.

Keeping in view the period of incarceration of the petitioner and the fact that trial may still take some time for its conclusion, this court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Yamuna Nagar.

20.01.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No