

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

**1. Criminal Misc. No.M- 15427 of 2018(O&M)**  
**Date of Decision: May 14 , 2018.**

Saddiq ..... PETITIONER(s)

**Versus**

State of Haryana ..... RESPONDENT (s)

**2. Criminal Misc. No. M- 46773 of 2017(O&M).**

Wahid ..... PETITIONER(s)

**Versus**

State of Haryana ..... RESPONDENT (s)

**3. Criminal Misc. No. M- 15542 of 2018(O&M).**

Tahir ..... PETITIONER(s)

**Versus**

State of Haryana ..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Ankush Sharma, Advocate for  
Mr. M.K.Dogra, Advocate  
for the petitioners in CRM No.M-15427 and 15542 of 2018.  
Mr. Sarfraj Hussain, Advocate  
for the petitioner in CRM No.M-46773 of 2017.

Mr. Anmol Malik, AAG, Haryana.

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**LISA GILL, J.**

This order shall dispose of CRM No.M-15427 of 2018 (Saddiq v.

**CRM No.M-15427 of 2018 and two connected cases**

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State of Haryana), CRM No.M-46773 of 2017 (Wahid v. State of Haryana) and CRM No.M-15542 of 2018 (Tahir v. State of Haryana). Facts are being extracted from CRM No.M-15427 of 2018.

CRM No.M-15427 of 2018 has been filed by Saaddiq, CRM No.M-46773 of 2017 by Wahid and CRM No.M-15542 of 2018 by Tahir for grant of anticipatory bail in FIR No.55 dated 14.02.2017 under Sections 363A/366/376/420/467/468/471/212 IPC and Section 16 of the Protection of Children from Sexual Offences Act, 2012 (for short, the 'POCSO Act'), registered at Police Station Ferozepur Jhirka, District Nuh (Mewat).

It is submitted that the petitioners – Tahir and Saddiq were not even named in the abovementioned FIR, which was registered at the instance of the father of the victim. The said persons were named by the victim in her statement recorded under Section 164 Cr.P.C. All the present petitioners were however found innocent during investigation. Moreover, no overt act has been attributed to the petitioners attracting the rigours of Section 376 IPC or Section 16 of the POCSO Act. Similarly situated co-accused Tarif Hussain @ Tarif, it is submitted, has been afforded the concession of anticipatory bail by this Court in CRM No.M-45198 of 2017 on 29.11.2017.

Learned counsel for the petitioners argue that the victim in this case solemnized marriage with co-accused Afsar. CRM No.M-5266 of 2017 (Anisha @ Manisha and another v. State of Haryana and others) was filed before this Court by the said Afsar and the victim seeking protection, which was disposed of on 16.02.2017 (Annexure P3 with CRM No.M-46773 of 2017). It is submitted that all the petitioners have appeared before the learned trial court and afforded

interim bail. They undertake to face the proceedings, appear on each and every date fixed before the learned trial court and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that these petitions be allowed.

Learned counsel for the State, on instructions from ASI Ravinder Kumar, verifies that the petitioners were found innocent during investigation. They were summoned to face trial as additional accused on an application under Section 319 Cr.P.C. It is however submitted that allegation of aiding in kidnapping of victim was raised against the petitioners. It is verified that none of the petitioners are reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, all the three petitions are allowed. Consequently, interim bail afforded to the petitioners pursuant to orders dated 18.04.2018 (in CRM No.M-15427 of 2018), 01.02.2018 (in CRM No.M-46773 of 2017) and 18.04.2018 (in CRM No.M-15542 of 2018) by the learned trial court be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial court.

It is made clear that the petitioners shall not directly or indirectly try to contact the complainant, any of his family members or witnesses in this case. Any such infraction on the part of the petitioners may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 14 , 2018.  
'om'

( LISA GILL )  
JUDGE

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