

CRM-M-48140-2017;
CRM-M-49129-2017 &
CRM-M-8412-2018

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

1. CRM-M-48140-2017

Kaushalya

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M-49129-2017

Partibha

..... Petitioner

Versus

State of Haryana

..... Respondent

3. CRM-M-8412-2018

Naresh alias Sev Nath

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision : 20.7.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.B.S. Jattana, Advocate
for the petitioner(s) in CRM-M-48140-2017 &
CRM-M-49129-2017.

Mr.S.K. Verma, Advocate
for the petitioner in CRM-M-8412-2018.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of three petitions for grant of pre-arrest bail i.e. CRM-M-48140-2017 filed by petitioner Kaushalya, CRM-M-49129-2017 filed by petitioner Partibha and CRM-M-8412-2018 filed by petitioner Naresh alias Sev Nath, all of them being accused in FIR No.876 dated 8.11.2017, under Sections 323, 324, 342, 377, 498-A, 34 IPC, registered at Police Station City Sirsa, District Sirsa.

Briefly stated, facts of the case as per prosecution story are that the complainant had submitted a complaint dated 7.11.2017 to police stating therein that 12 years prior to filing of the complaint, she had fallen sick; that her parents took her to Naresh (one of the petitioner), who used to do witchcraft; that Naresh convinced her and gave her *PARSHAD*, which she had consumed; that thereafter she started living with Naresh; that Naresh took her to his house at Hisar and solemnized marriage with her; that the complainant had given birth to three children from loins of Naresh, however, during the course of time, the complainant victim came to know that Naresh had already exploited two girls by giving allurements to them, one of them was Kanta belonging to some place near Kaithal, who had died in the year 2006, rather she had been set on fire and murdered by Naresh,

whereas other girl was Guddi belonging to some place near Bhiwani, who had also died; that Naresh had taken illegal possession of land belonging to Wakf Board and constructed a *DARGAH* there, where people used to come and Naresh would collect money from them by exploiting their sentiments; that he used to make several girls stay with him on the pretext of treating them and rather committed rape upon them; that when the complainant protested, he would give beatings to her; that Naresh used to have unnatural sex with complainant victim and on an objection being raised by her, he would give beatings to her; that about 8-10 months before filing of complaint, Partibha (petitioner) came to Naresh for treatment and she also fell into his trap, resultantly, Naresh started committing rape upon her and began to live with her in a rented house, where he took three children of complainant i.e. two elder daughters and a son in the age group of 5 to 9 years. According to the complainant, she is not aware of whereabouts of the daughters and has an apprehension that he might have sold the daughters for money. According to the complainant, Naresh had made various identity cards under different names and he has been befooling people by giving his wrong names; that he would tell his name some time as Naresh, some time as Sev Nath and give his address some time of Hisar and some time of Sirsa. According to the complainant on 3.11.2017 at about 4:00 p.m. when she was working at her house, then suddenly Naresh came and caught hold of her from hairs abusing her; that petitioners Partibha and Kaushalya also came there; that Partibha started slapping the complainant, whereas Kaushalya gave kick blows in her stomach saying that she should be killed

since she was posing danger to them; that all three of them gave beatings to the complainant-victim; that they tore her clothes and when people came from neighbourhood, then they ran away. In the FIR several instances of her maltreatment and torture at the hands of all the three accused have been given. According to the complainant, she had suffered injuries and got treatment from General Hospital, Sirsa and after being discharged on 7.11.2017 reported the matter to the police.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Sirsa. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. Though the petitioners are said to have joined investigation but they have not rendered full cooperation as stated by the State counsel. The allegations against all the three petitioners are very serious and grave. Custodial interrogation of the petitioners is definitely required for complete and effective investigation so as to find out as to how

and under what circumstances they had ganged up to torture the complainant and beat her up and definite reasons for the same. Petitioner Naresh is said to be living under several other names giving different addresses maintaining live-in relationship with Partibha and Kaushalya is also stated to be in league with him bringing several women and girls to him. Naresh is said to have exploited several of such women and girls. It has to be found out as to how it was so done and which of the girls were sexually exploited by Naresh and role played by Partibha and Kaushalya in the said affair. Two of girls coming to Naresh are said to have died unnatural death. Those mysteries also need to be unfolded. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Therefore, no case for grant of pre arrest bail to either of the petitioners is made out.

Thus, the petitions stand dismissed.

(**H.S. MADAN**)
JUDGE

20.7.2018
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**