

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-16118-2019 (O&M)

Date of Decision:-30.9.2019

Naseem

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-23446-2019 (O&M)

Mubarik @ Mubba

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Panwar, Advocate,
for the petitioner in CRM-M-16118-2019.

Mr. Rajesh Lamba, Advocate,
for the petitioner in CRM-M-23446-2019.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the aforesaid two petitions filed on behalf of the petitioners, Naseem and Mubarik @ Mubba seeking grant of anticipatory bail in respect of a case registered vide FIR No.821 dated 16.11.2016 at Police Station Sadar Palwal, District Palwal, Haryana under Sections 363,

366-A, 506 and 34 of Indian Penal Code, 1860, wherein offences under Sections 376-D, 120-B of Indian Penal Code and Section 6 of POCSO Act were added later on.

2. The petitioners apprehend their arrest consequent upon the trial Court having summoned them with the aid of Section 319 Cr.P.C. so as to face trial alongwith their co-accused Nawab Khan and Munasib @ Munna. The FIR was lodged at the instance of Rafik, wherein he alleged that his minor niece was missing and later on they came to know that she had been abducted by Munasib @ Munna, Sakir, Ramjan @ Chachri and Majju. It is alleged that when the complainant approached the accused they found Ishaq, Noor Mohamad, Islam, Mubba, Juhru and Dr. Naseer to be there and when the complainant talked to them, they misbehaved with the complainant and stated that they had kept the complainant's niece and will not hand her over to the complainant.
3. The learned counsel for the petitioners has submitted that infact it is a case where the complainant's niece had voluntarily accompanied Munasib @ Munna on 7.11.2016 and had solemnized marriage and thereafter approached this Court by way of filing CRM-M-23964 of 2017 seeking protection. It has further been submitted that infact the other co-accused namely Nawab Khan and Munasib @ Munna have already been granted anticipatory bail vide order dated 15.1.2018 passed by this Court and the present petitioners had initially been found to be innocent but have subsequently been summoned with the aid of Section 319 Cr.P.C.
4. Opposing the petition, the learned State counsel has submitted that since the prosecutrix has categorically nominated the petitioners to be amongst her

abductors and has also levelled allegations that she had been raped by the petitioners, no case for grant of bail is made out. It has, however, been informed that pursuant to the interim directions, the petitioners have already appeared before the investigating officer and are no longer required for any investigation as challan already stands presented and the petitioners have been summoned with the aid of Section 319 Cr.P.C.

5. Having regard to the facts and circumstances of the case and bearing in mind that the petitioners have been summoned with the aid of Section 319 Cr.P.C., the present case is not such, which would warrant custodial interrogation at this stage. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 8.4.2019 and 22.5.2019 are hereby made absolute subject to the condition that the petitioners shall appear before the trial Court regularly and abide by any such condition as may be imposed by the trial Court for their appearance.

30.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No