

CRM-M-22294-2019 (O&M)
Date of Decision : 03.12.2019

Rakiden

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.K. Verma, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.179 dated 18.06.2018 filed under Sections 366, 109, 114, 376,201 and 506 of the Indian Penal Code and Sections 4 & 5 of the Immoral Traffic Act, 1956 registered at Police Station City Rewari.

The allegations against the petitioner-Rakiden are to the fact that on 12.06.2018, she was instrumental in disappearance of daughter of the complainant, who was then aged around 19 years, disappeared from her home and was got recovered on 11.07.2018.

The girl revealed during investigations that she has left the house along with the petitioner and went to a hotel in Delhi, where, she was defiled by one Summy, co-accused and, thereafter, she was taken to a hotel in Rajasthan and repeatedly, ravaged by various persons on different occasions. The petitioner was arrested on 13.07.2018.

Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody for more than 01 year & 04 months and that no role is assigned to the petitioner in the commission of offence. It is contended that the victim is admittedly a major and has left the house on her own and has similarly placed reliance on Annexure P-2 vide which the co-accused, Prakash, has already been granted regular bail vide order dated 25.01.2019.

The learned State counsel, on instructions from ASI Ramesh Kumar, Police Station City Rewari has opposed the bail in light of the seriousness of the allegations and heinousness of the offences.

Appreciating the submissions of the two sides, admittedly, the victim happens to be a grown up major girl, aged around 19 years. It is the own stand of the State that no specific role is attributed to the petitioner in the commission of offence and the only semblance of evidence that the victim accompanied her to hotel in Delhi. The petitioner is behind the bars for more than one year and four months and keeping in view the same and the fact that

culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, she is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/IlIaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

03.12.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No