

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-23377 of 2019 (O&M)
Date of decision : May 28, 2019

Surjeet @ Mange

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kuldeep Sheoran, Advocate, for the petitioner

Mr. Amrik Narwal, DAG Haryana for the State assisted
by ASI Ashok Kumar, PS Nathusari Chopta District Sirsa

Fateh Deep Singh, J. (Oral)

Petitioner Surjeet @ Mange has sought regular bail in case bearing FIR No. 120 dated 17.8.2018, under Sections 363, 366-A, 328, 451, 506, 343, 376(2)(N), 376-D, 120-B and 34 IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later-on), Police Station Nathusari Chopta, District Sirsa.

The brief allegations are that the complainant father of the victim girl aged around 16 years 8 months alleged that during the

intervening night of 16/17-8-2018 his daughter disappeared from the home and apprehended that she might be enticed and taken away with the purpose to marry her on the basis of which the present case was got registered. It was during the course of investigations on recovery of the girl she made statement on 26.8.2018 under Section 164 Cr.P.C. before the learned Judicial Magistrate naming Hasan Khan as the culprit who has violated her and thereafter in her statement on 6.10.2018 has named the remaining accused leading to the arrest of the petitioner.

Mr. Kuldeep Sheoran, Advocate, for the petitioner has argued that co-accused non-applicant Sadhu Khan has been allowed bail vide orders dated 28.2.2019 and that the petitioner is behind the bars since long time and prayed for grant of bail.

Mr. Amrik Narwal, DAG Haryana for the State assisted by ASI Ashok Kumar, PS Nathusari Chopta District Sirsa has underlined the fact that the girl has specifically named the petitioner as principal accused who has defiled her and in view of seriousness of the offence as the girl at the time of alleged occurrence was a minor disentitles the petitioner to any relief.

Appreciating the submissions the girl upon her recovery on 26.8.2018 has named only one person as an accused and

subsequently on 6.10.2018 has named all the accused as the persons responsible for her violation. Admittedly the girl was 16 to 17 years of age at the time of occurrence and had left her home on her own during night time and had been roaming about with the accused to places like Churu in Rajasthan and Belgaum in Karnataka. The name of the accused petitioner did not figure in the first stand of the complainant under section 164 Cr.P.C. and subsequently belatedly after almost 40 days second statement has come about implicating other accused including the present petitioner. There is no specific allegation having come about against the petitioner of this violation of the prosecutrix. More-so co-accused Sadhu Khan, Promila, Phulan Devi, Iskan Khan and Aisher have been allowed bail by different courts at different points of time. Culpability, if any, shall be determined at the trial. The petitioner is behind the bars since long time and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sirsa.

The present petition stands disposed off accordingly.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 28, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No