

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

219(1)

CRM-M-42607-2019(O&M)

Vikash

.....Petitioner

Versus

Union Territory of Chandigarh

.....Respondent

219(2)

CRM-M-45837-2019

Navneet @ Vicky

.....Petitioner

Versus

U.T. Chandigarh

.....Respondent

Date of Decision:21.11.2019

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Shashi Kant, Advocate,  
for the petitioner in CRM-M-42607-2019.

Mr. G.S. Madaan, Advocate,  
for the petitioner in CRM-M-45837-2019.

Mr. Manish Jain, APP, for UT, Chandigarh.

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HARI PAL VERMA, J.(Oral)

This order shall dispose of CRM-M-42607-2019(Vikash  
Versus Union Territory of Chandigarh) and CRM-M-45837-2019  
(Navneet @ Vicky Versus U.T. Chandigarh).

Prayer in CRM-M-42607-2019 filed under Section 439 Cr.P.C.  
is for grant of regular bail to the petitioner-Vikash in FIR No.70 dated  
02.06.2019 under Sections 376(D), 376, 376(2), 120-B IPC, 1860 and

Sections 4 & 6 of the POCSO Act, 2012, registered at Police Station

Sarangpur, Chandigarh.

Similarly, Prayer in **CRM-M-45837-2019** filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner-Navneet @ Vicky in FIR No.70 dated 02.06.2019 under Sections 376, 376(D), 120-B IPC, and Sections 4 & 6 of the POCSO Act, 2012, registered at Police Station Sarangpur, Chandigarh.

Learned counsel for the petitioner(s) have argued that the petitioners have not specifically been named in the FIR. Moreover, as per FIR, the prosecutrix has stayed with Parveen for about three weeks and she has not named the petitioners even in her statement recorded under Section 164 Cr.P.C. Furthermore, the prosecutrix was offered for her medical examination, but she has refused for such medical examination. The petitioners are in custody since 05.06.2019. Since the other co-accused namely Naveen has been declared PO, whereas PO proceedings are already initiated against Gopal, in this manner, trial in the case is not likely to be concluded in the near future.

Learned APP for UT, Chandigarh, does not dispute the custody period. However, he states that though in the FIR, the prosecutrix has not specifically named the petitioners, but she(prosecutrix) is minor and she has alleged in the FIR that co-accused Amit has left her in a hotel in the company of four boys, who committed rape upon her.

Heard learned counsel for the parties.

It is not in dispute that the petitioners have not specifically been named in the FIR. Even in her statement under Section 164 Cr.P.C. which was recorded on 22.06.2019, the prosecutrix has not named the petitioners even remotely. Furthermore, when she was offered for her medical

examination, she has not undergone for medical examination. Therefore, culpability of the petitioner(s) is yet to be established during the course of trial. Trial in the case is not likely to be concluded in the near future, therefore, this Court deems it appropriate to admit the petitioners on regular bail.

Accordingly, both the petitions are allowed and the petitioner- Vikash and Navneet @ Vicky are admitted on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

**November 21, 2019**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No