

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 18.10.2019

1. CRM-M-43506-2019

Naseeb and another	Versus	... Petitioners
State of Haryana		... Respondent

2. CRM-M-43300-2019

Deepak @ Kechar and another	Versus	... Petitioners
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. K.S. Dhaliwal, Advocate with
Ms. Anchal, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J (ORAL)

1. This order shall dispose of the aforesaid two petitions filed on behalf of Deepak @ Kechar, Parveen, Naseeb and Ravi seeking grant of regular bail in a case registered against them vide FIR No.248 dated 27.10.2018, registered at Police Station Women Police Station Jind, under Sections 307, 34, 342, 366 of IPC and Sections 10/6 of POCSO Act.
2. The FIR was registered at the instance of the victim wherein it has been alleged that on 26.10.2018 at about 11 p.m, after applying mehendi to the hands of her mother, she went to her room to lie down and at that time Deepak and Parveen came to their house and after covering her mouth abducted her and took her to fields on motorcycle where Kapil, Sanjeev,

Chottu and Naseeb were also present. It is alleged that while Deepak and Parveen raped her, Kapil, Sanjeev, Chottu and Naseeb teased her. It is alleged that later the accused tied her hands and legs with a cloth and threw her in a pond but around that time her uncle's son Rakesh came there and rescued her.

3. Learned counsel for the petitioner submitted that the petitioners have falsely been implicated in the present case and that now during the course of trial when the prosecutrix stepped into the witness box, she has virtually given a clean chit to the petitioners and has not supported the case of the prosecution. Learned counsel has further submitted that in fact the mother of the prosecutrix has also been examined during the proceedings of trial and even she has not stated a word against the accused.
4. The aforesaid position is not disputed by the learned State counsel, who has also informed that the petitioners have been behind the bars for the last about 1 year.
5. Having regard to the aforesaid facts and circumstances of the case and bearing in mind the custody period and the fact that the prosecutrix while in witness box has not supported the case of the prosecution, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned Illaqa Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

18.10.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No