

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.1683 of 2020

Date of decision: 21st May, 2020

Khalid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Allegations against the petitioner Khalid in this second regular bail application under Section 439 Cr.P.C. (the earlier one having been dismissed as withdrawn on 18.11.2019) in case bearing FIR No.273 dated 25.06.2019 under Sections 365, 342, 376-D, 452, 506, 34 IPC pertaining to Police Station Ferozepur Jhirka, District Nuh, have been levelled by a girl then aged around 19 years alleging that on 25.06.2019 she was forcibly abducted by three persons who took her to a hotel where she was ravaged and thereafter the present case was got registered.

Learned counsel for the petitioner Mr. Sarfraj Hussain, Advocate inter alia contends that the petitioner is behind bars since 25.06.2019 and is neither named in the FIR nor finds mention in the subsequent statement under Section 164 Cr.P.C. of the girl and that there is no specific role assigned to him in commission of the offence

submitting further that similarly placed co-accused non-applicant Javed has been allowed similar relief by this Court vide orders dated 10.01.2020.

Learned State counsel Mr. Baljinder S. Virk, Dy. Advocate General, Haryana does not dispute the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the submissions of the two sides, admittedly the victim at the time of occurrence was a minor. The accused petitioner is not named in the FIR nor in the subsequent statement of the girl recorded under Section 164 Cr.P.C. or her stand at the trial. The petitioner is behind bars and therefore, in view of the principle of parity with his co-accused Javed, this Court is of the opinion that it is a fit case to allow the prayer. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Nuh. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 21, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No