

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(207)

CRM-M-10513-2020

Date of Decision: August 10, 2020

Surjeet @ Pahalwan

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Bishnoi, Advocate, for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.21 dated 14.03.2019 under Sections 323, 328, 344, 370(5), 376(2) (n) 34 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 as well as Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989 registered at Women Police Station Sirsa.

Learned counsel for the petitioner states that as per the FIR, there are four accused against whom the allegations have been alleged in the FIR and out of the four, three accused have already been extended the benefit of bail. Learned counsel for the petitioner further submits that in the FIR, no role has been attributed to the petitioner and all the allegations are against Manjeet Kaur, who is stated to be wife of the petitioner that she was trying to sell the complainant for an amount of Rs.50,000/- and she has already been extended the benefit of regular bail by this Court.

Notice of motion.

Mr. Vishal Malik, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Veer Pal Kaur, concedes that out of the four, three co-accused have already been extended the concession of bail and in the FIR, there are no specific allegations against the petitioner except that wife of the petitioner Manjeet Kaur wanted to sell the prosecutrix for an amount of Rs.50,000/-.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is not disputed that the co-accused of the petitioner have already been extended the concession of bail, the same cannot be denied to the petitioner unless and until differentiable facts are brought on record.

In the present case, allegations in the FIR are against Parveen and Manjeet Kaur and there is no specific allegation against the petitioner Surjeet Singh. Further, the challan has already been presented and the trial is likely to take some time.

This Court while granting the benefit of bail to the main accused-Manjeet Kaur in CRM-M-24316-2019, has recorded the following:-

“Mr. J.S Dhaliwal, learned counsel for petitioner Manjeet Kaur has argued that Manjeet Kaur had initially registered an FIR on 1.3.2019 against the present complainant

for having committed theft at her place and the present case is counter-blast to her allegations to escape her prosecution.

Mr. Gaurav Singla, learned counsel for Ramesh Kumar petitioner has argued that it was simplicitor a money dispute as the prosecutrix used to work in the Parlour at her house and had taken money on loan which she refused to return and to thwart the recovery of the same, the present case was got registered.

Going through the submissions, to the specific query of this Court, counsel for the State could not convince what specific allegations have come about against petitioner accused Ramesh Kumar and the only semblance of evidence are against his wife Parveen. Moreover, there are only vague insinuations of forcing the deserted lady who claims to be minor and otherwise alleged to be major of forcing her into life of prostitution. As far as case of Manjeet Kaur reflects that 13 days prior to the registration of the present case she had got registered an FIR against the complainant for decamping her money and costly items while she was away. Thus, a debatable issue arises if the present case against her is a counter-blast which can only be adjudicated at the trial. Both the petitioners are behind the bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioners in jail. Accordingly, both the petitioners are ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sirsa.

The present petitions stand 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 applications.”

Keeping in view the above, the petitioner has made out the case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 10, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No