

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

(i) CRM-M-16974-2020 (O&M)

Mosam alias Khatto Petitioner

Versus

State of Haryana Respondent

(ii) CRM-M-17025-2020 (O&M)

Deepak Petitioner

Versus

State of Haryana Respondent

(iii) CRM-M-52385-2019 (O&M)

Ram Niwas @ Bala Petitioner

Versus

State of Haryana Respondent

Date of Decision : 27.07.2020

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Parveen Chauhan, Advocate
for the petitioner in CRM-M-16974-2020.

Mr. Rahul Deswal, Advocate
for the petitioner in CRM-M-17025-2020.

Mr. Salil Dev Singh Bali, Advocate
for the petitioner in CRM-M-52385-2019.

Ms. Dimple Jain, AAG, Haryana.

RAMENDRA JAIN, J. (Oral)

Case has been taken up for hearing through video
conferencing.

This order shall dispose of aforesaid three petitions under under Section 439 Cr.P.C. for grant of regular bail to the petitioners in a case arising from FIR No.542 dated 04.08.2019, registered under Sections 346, 366-A, 371, 372, 373, 376-A, 420/120-B IPC and 6 of the Protection of children from Sexual Offences Act, 2012 (in alternative under Section 376-D IPC), at Police Station Gharounda, District Karnal.

According to prosecution on 02.08.2019, an application was moved by a mother for missing of her daughter in the night. During investigation, prosecutrix was recovered from Village Mukeenpur, District Sonapat. She was medico legally examined. Her statement under Section 164 Cr.P.C. was got recorded. Aforesaid FIR was registered. Petitioners and their co-accused Goldi, Suresh Kumar and Saurabh were arrested on different dates. The prosecutrix in her statement disclosed that co-accused Saurabh took her to a liquor vend and after committing rape upon her, left her in a park, where she met petitioner Mosam alias Khatto. She brought her to the house of co-accused Ram Niwas alias Bala. He sold her to co-accused Suresh in the sum of Rs.30,000/-. Again prosecutrix was resold to Deepak, brother in law of another co-accused Suresh.

Learned counsel for the petitioners submit that prosecutrix (PW1) in her statement before the Court, has specifically testified that Deepak did not commit rape upon her. Ram Niwas @ Bala was not that person, who had sold her to co-accused of the petitioner namely Suresh, enlarged on bail. The trial has become de novo on arrest of one of the co-accused recently. Thus, it would

take sufficient long time in its conclusion. Co-accused namely Goldy, Saurabh and Suresh have already been granted bail. Thus, treating the case on the same parity, the petitioners be also enlarged on bail in as much as no useful purpose would be served by detaining them any more in jail.

On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering the overall circumstances of the case and treating the case of petitioners on the same parity as that of their above-named co-accused, all the three petitions are allowed. Consequently, petitioners Mosam alias Khatto, Deepak and Ram Niwas alias Bala are ordered to be released on bail during pendency of trial, if not required in any other case, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

27.07.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No