

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

CRM-M-18996-2020

Date of decision: **04.08.2020**

SHAKEEL AKHTAR @ RAHUL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rohit Mahajan, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual
Court)*

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.93 dated 19.7.2019 under Sections 354-C, 376-D, 506, 120-B IPC at Police Station Women Panchkula, District Panchkula.
2. The FIR was lodged on basis of statement made by the prosecutrix herself, wherein she stated that she had been undergoing sentence in Central Jail, Ambala where another lady by the name of Guria was also confined. Subsequently, when said Guria was acquitted she helped the complainant in getting bail and after she was released on bail, she went to the house of Guria and started staying there where Guria's husband namely Zakir and her relative Shakeel were also present. It is alleged that

after few days, when Guria went out for work, said Sakeel and Zakir raped her and kept on raping her for about 4 months. Although she had told about the same to Guria but she threatened her and forced her to keep quiet. It is further the case of prosecution that subsequently statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C. wherein she alleged that she was in fact also forced into prostitution by the aforesaid Zakir and Shakeel.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that an identically situated co-accused namely Zakir has already been granted bail by this Court vide order dated 6.7.2020 passed in CRM-M-11369-2020 (Annexure P-3).
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named in the FIR and specific allegations are levelled against him, no ground for bail is made out. It has however been informed that the petitioner has been behind bars since last about 1 year.
5. I have considered rival submissions addressed before this Court.
6. The relevant extract from order dated 6.7.2020 passed by a Co-ordinate Bench in CRM-M-11369-2020 reads as follows:-

“Pursuant to the order dated 19.06.2020, a reply of Ms. Noopur Bishnoi, HPS, Assistant Commissioner of Police, Panchkula, has been filed. A perusal of paragraphs 7 to 13 thereof would seem to indicate that in fact the prosecution story has not been found to be accurate so far as regards any prostitution racket that was being run, into

which the complainant was allegedly being pulled.

The ACP has also recommended that an application be filed in the trial court seeking further investigation into the matter.

Keeping in view the above facts and the fact that petitioner has been in custody for more than 11 months now, with no prosecution witnesses examined and in fact possibly further investigation being sought by the investigating agency, without making any comment on the actual merits of the case for or against the petitioner, also in terms of the observation of this court recorded in the order dated 10.06.2020, the petition is allowed.”

7. The case of the petitioner is absolutely identical with that of co-accused Zakir, who has been granted bail. The petitioner as on date has been behind bars since last about 1 year. In these circumstances, keeping in view the custody period and in order to maintain parity, the petition, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.08.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**

