

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.5379 of 2021
Date of Decision: February 12, 2021

Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Gursharan K. Mann, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.56 dated 09.05.2019, under Sections 376-D and 120-B IPC, 1860, registered at Police Station, E-Division, District Amritsar. The petitioner is in custody since her arrest on 14.05.2019.

As per the allegations, the victims had voluntarily left their house on 31.7.2018 and reached at Amritsar, where they came in contact with two persons, namely, Gagan and Vicky. They both promised a job for them and took them to the house of Vicky, where they raped the victims repeatedly. Later on, the victims were sent to other persons as well and accused Simmi facilitated the illegal sexual activities at her residence. Gagan used to send one of the victims outside the town as well. One of the victims was sent to Delhi where she was forced to continue with the illegal

sexual activities facilitated by Kamlesh Verma, Jyoti Sharma, Anil and Raju. As per the allegations, those two boys confined the girls at their house for 6- 7 months where 4-5 other girls were also staying. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the similarly situated co-accused of the petitioner have already been released on regular bail vide orders dated 13.10.2020, 28.11.2019, 24.07.2020 and 08.05.2020 (Annexures P-3 to P-6). She has pointed out that the case of the petitioner is at par with the co-accused, who have been released on bail, therefore, she also deserves the concession. According to her, the allegations of rape have been levelled against co-accused Gagan and Vicky and as per the prosecution, the petitioner and other co-accused facilitated the crime. She prays for bail.

On the other hand, the learned State counsel, assisted by SI Arun Kumar, while opposing the prayer does not dispute this fact that the co-accused of the petitioner, who are similarly situated have already been released on regular bail. He, on instructions, further states that no prosecution witness has been examined so far.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 14.05.2019. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Amritsar.

February 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No