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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31247-2021

Date of Decision: December 02, 2021

Niksan and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vinod Ghai, Sr.Advocate with
Ms.Kanika Ahuja, Advocate for the petitioners.

Mr.B.S.Virk, DAG, Haryana.

Mr.Sachin Rai Vaid, Advocate for the complainant.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for issuance of direction to the arresting officer to release the petitioners on bail forthwith in the even of their arrest in case FIR No.55, dated 30.01.2020, under Section 365 IPC (Sections 6 of POCSO Act, 328, 343, 366A, 370, 370-A, 375, 376, 120-B IPC and Sections 3, 4, 5, 6, 7 of Immoral Trafficking (Prevention) Act, added later on), registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned Senior counsel for the petitioners submits that in

pursuance to the order dated 05.08.2021, the petitioners have put in their appearance before the trial Court and they have been admitted to the interim bail. He submits that as the petitioners have duly complied with the order passed, the present petition be allowed accordingly.

On the other hand, learned counsel for the complainant has vehemently opposed the same. He has contended that the petitioners do not deserve the concession of anticipatory bail. He submits that the victim in the case is of 13 years of age and she had been kept in captivity for a period of four months. Not only this, she was forced into the prostitution as well. He submits that the petitioners were identified and hence they were wrongly exonerated during investigation.

Learned State counsel has submitted that the petitioners have appeared before the trial Court and are facing the trial.

After hearing counsel for the parties and perusing the record, I find that the petitioners have complied with the order dated 05.08.2021. Evaluation of the allegations and counter-allegations is totally within the domain of the trial Court. It is evident that the petitioners were named in this case after a period of about seven months. They were subjected to the Polygraph test as well. After a detailed investigation, they were found innocent and hence they were kept in column No.2 in the challan filed and they were summoned later on under Section 319 Cr.P.C.. There is no gain saying that this Court directed the petitioners to appear before the trial Court on 06.08.2021 and as per the submissions made by learned senior counsel, they have already appeared before the Court in compliance of the order.

Thus, without commenting upon the merits of the case, interim

continuously appear before the trial Court and face the trial.

Petition stands allowed.

December 02, 2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |