

CRM-M-3482-2022

Date of decision: 24.02.2022

NAVEEN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Naveen Kumar-petitioner is seeking regular bail in the case bearing FIR No. 20 dated 04.05.2018 under Sections 342/363/366-A/376-D/ 506/34 IPC, 1860 And Sections 6/7 of Protection of Children from Sexual Offences Act, 2012, registered at Women Police Station, District Charkhi Dadri.

Briefly, the aforesaid FIR has been registered at the instance of complainant on the allegations that during the intervening night of 03/04 May, 2018 between 12:00 AM to 02:00 AM.,his daughter had come to his shop to provide tea and while returning back, she was kidnapped by Bir Singh, Naveen Kumar (petitioner) and an unknown boy. The complainant ran towards the vehicle but they fled towards village Norangabas. The date of birth of the daughter of the complainant was 03.09.2000. The complainant tried to trace her out and she was found in a room constructed in the field of Joravar Singh and all the boys were

present in the room. The daughter of the complainant told that she was subjected

to gang rape by Bir Singh, Naveen Kumar (petitioner), Sonu and another boy and they threatened to kill her, in the event she disclosed about the incident.

It has been contended by the learned counsel for the petitioner that the petitioner was found innocent during the course of investigation and has been summoned under Section 319 Cr.P.C. Moreover, the co-accused namely Bir Singh against whom the challan was presented at the first instance has been granted bail by the Co-ordinate Bench of this Court.

On a contrary, learned State counsel has opposed the bail application on the score that it is a case of gang rape and in the statement of the victim, there are specific and categoric allegations levelled against the petitioner also. Furthermore, the bail application of the petitioner has been dismissed at the earlier instance in terms of order dated 17.07.2020 passed in CRM-M-14491-2020.

Be that as it may, it is significant to note that Bir Singh, the co-accused against whom, if not grave, substantially similar allegations have been raised, has been granted regular bail by the Co-ordinate Bench in terms of order dated 20.12.2021 passed in CRM-M-35420-2021. The co-accused has been granted bail *inter alia* on the score that all the private witnesses have been examined and the testimony of only official witnesses is pending.

As per custody certificate, the petitioner has undergone custody for a period of 02 years, 07 months and 14 days. He is stated to be involved in another case bearing FIR No. 282/2012 under Sections 147/149/323 IPC and Section 42 of Prisons Act, P.S. Sadar Bhiwani, Bhiwani but on bail in that case.

In these set of circumstances, the petitioner has also becomes entitled to bail on the principle of parity and sufficient change of circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

24.02.2022
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(VIVEK PURI)
JUDGE

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