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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1438-2023
Date of decision : 20.02.2023

SHOKEEN

..... Petitioner

V/S

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Arjun Atri, Advocate for the petitioner.
Ms. Deepshikha Chauhan Asst. A.G. Haryana.

AMARJOT BHATTI J. (ORAL)

1. The petitioner- Shokeen has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.45 dated 28.01.2022, under Sections 323, 365, 376-D and 506 of IPC and Section 6 of POCSO Act registered at Police Station Sadar, Nuh, District Nuh.
2. The facts of the case are that a written complaint was filed before SHO Police Station Sadar by the mother of the prosecutrix that her daughter i.e. the victim aged about 16 years came to the house of her uncle about 5 days ago in Sallahedi, Tehsil and District Nuh. On 25.01.2022 the victim was playing with the other children outside the house around 5/5.30 pm. Some persons in one Swift car came there and kidnapped her daughter i.e. the victim. She created a lot of hue and cry on which she was beaten up. She was repeatedly raped. She requested those persons to leave her. She was slapped and given fists blow. Ultimately, she managed to call her when she was dropped near Tikona

Park. She reached there and brought her daughter at home. The matter was reported to the police. The investigation was carried out and the victim was medically examined. The car used in the occurrence was also taken into police possession. It was revealed that the victim was raped by Kasam, Irshad, Allu, Azru, Azam, Samim, Niyamat and Saddam and 2-3 other persons in a deserted room situated in the fields. After completion of investigation challan was presented against the accused Shokeen and Rukku @ Rukmudeen on 30.05.2022. The charge was framed on 19.07.2022 and the case is fixed for prosecution evidence.

3. Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. The FIR has been registered with ulterior motive. It is argued that Shokeen and Rukku @ Rukmudeen are facing trial. The statement of the victim has been recorded as PW-1 where she did not support the prosecution version. Similarly, the mother of the victim is also examined as PW-2 and father of the victim as PW-3. All these witnesses have been declared hostile as they did not support the prosecution story. The present petitioner is behind the bars since long. He will abide by the terms of the bail order. It is prayed that his regular bail application may be allowed.

4. The bail application is opposed by the learned counsel representing the State on the ground that there are specific serious allegations against the petitioner. The statement of the victim recorded under Section 164 Cr.P.C, MLR of the minor victim, the report of Forensic Science Laboratory are placed on record. Considering the gravity of offence and the specific allegations, the petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the

record. As per the facts mentioned above, the allegations are serious in nature. However, after the presentation of challan and framing of charge-sheet the prosecution has recorded statements of material witnesses i.e., the victim herself as PW1 and both her parents as PW2 and PW3. All these witnesses have not supported the prosecution version and were declared hostile. The other witnesses are yet to be examined. The trial of this case may take long time. Considering the aforesaid facts, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Shokeen is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

6. The application is, accordingly, disposed of.

(AMARJOT BHATTI)
JUDGE

20.02.2023
snd

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