

308

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

CRM-M-2555-2023

Date of Decision:- 17.04.2023

Rohtas

...Petitioner

Vs.

State of Haryana

... Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Asst. A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Rohtas has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 54 dated 21.04.2022 under Sections 370, 372 & 376(2)(n) of IPC (Sections 420, 468, 471 and 467 of IPC added later on), Section 6 of the POCSO Act, Section 4(2)(c) & 5(1)(d) of The Immoral Traffic (Prevention) Act, 1956 registered at Women Police Station, District Bhiwani.

The facts of the case are that the prosecutrix gave her statement to the police that she is about 16 years of age. Her father expired when she was two years old. Her mother performed second marriage with Ganesh. Thereafter, her mother expired in the year 2016 and her step father left her and went away in the year 2019. Her neighbour Reena kept her in her house and helped her in providing job of cleaning houses etc. The

prosecutrix was taking care of herself. About six months ago, Reena sold her to Ankit by taking cash of Rs. 40,000/-. After two days, Reena brought her back and after 10-15 days, she sold her to another person Mita and again received Rs. 40,000/-. She was brought back from Panipat after two days and after two months sold her to Sunil for Rs. 45,000/-. After 10-15 days, she was brought back by Reena. After some days, in collusion with Seema and two other persons, Reena again sold her to Naveen for Rs. 1,40,000/-. She was forcibly raped by these persons. Reena forced her in this illegal activity. She prayed that strict action be taken against them. During the course of investigation, the name of present petitioner Rohtas came into picture, who was also arrested in this case and challaned.

Learned counsel for the petitioner argued that Rohtas was not named in the FIR. No role was attributed to him. He is falsely implicated in this case on the basis of disclosure statement of co-accused Naveen, which is not admissible. No offence under Section 376(2)(n) of IPC, Section 6 of POCSO Act or the offence under The Immoral Traffic (Prevention) Act, 1956 is made out against him. He is behind the bars since 14.09.2022. The statement of prosecutrix has been recorded. It is prayed that his regular bail application may be allowed.

Bail application is opposed by learned counsel representing the State. Detailed status report has been filed. It is a matter of record that during investigation, the disclosure statement of Naveen was recorded on 03.05.2022 where he named Rohtas, who was arrested on 14.09.2022. He had also suffered his disclosure statement. The challan in this case has been presented and out of 24 prosecution witnesses, 07 prosecution witnesses have already been examined. There are specific serious

allegations against the present petitioner and the other co-accused. The report of Forensic Science Laboratory has been received, which is Annexure R-2 to R-5. Considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. It is a matter of record that initially when the statement of prosecutrix was recorded, on the basis of which FIR has been registered, the present petitioner was not named. From the facts narrated above, it is clear that Reena involved the prosecutrix into flesh trade. She was sold to different persons for money and in that course, the name of present petitioner also figured. The petitioner was arrested and challaned along with other accused. The statement of victim is recorded as PW-1. I have gone through the statement of victim dated 05.01.2023 where she specifically identified the present petitioner facing the trial in that case. The prosecutrix was a minor. Her mother had already expired and step father left her alone and in that situation, she was involved in this occurrence. Considering the gravity of offence and the aforesaid facts, I do not find it appropriate to release the present petitioner – Rohtas on regular bail and his regular bail application is accordingly, declined, without expressing my mind on the merits of the case.

17.04.2023

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No