

220/1

2023 : PHHC : 082851

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 03.07.2023

1. CRM-M-17272-2023

HARPREET @ HAPPY ... PETITIONER
V/S

STATE OF HARYANA ... RESPONDENT

2. CRM-M-18063-2023

KAJAL ... PETITIONER
V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Goyal, Advocate for the petitioner.
in CRM-M-17272-2023.

Mr. Yadwinder Singh, Advocate for the petitioner
in CRM-M-18063-2023.

Mr. Surinder Kumar Dagar, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioners are seeking regular bail in case bearing FIR No. 248 dated 14.06.2021 under Sections 120-B, 323, 376(2)(n), 376, 370, 370-A, 506 IPC & Sections 3, 4, 5, 6 & 7 of the Immoral Traffic (Prevention) Act, registered at Police Station Sadar Thanesar.

2. Custody certificates have been taken on record.

3. Learned counsel for the petitioners contend that the FIR has been registered on the basis of the statement of the prosecutrix alleging that her sister-in-law and her boy-friend namely Happy convinced her for going

on a trip. She was taken to a hotel and forced to indulge in flesh trade. It has been stated that allegations against Kajal-petitioner is only to the extent that Rs. 1000/- cash was recovered from her out of the money which was received by the co-accused by involving the victim in the flesh trade. The similarly placed co-accused Mohit has been granted regular bail by the Coordinate Bench of this Court in terms of the order dated 19.01.2023 passed in CRM-M-37088-2022, Annexure P-4. Furthermore, during the course of trial, the statement of the victim, Annexure P-2 has been recorded and she has not supported the prosecution version. She has specifically and categorically stated that the petitioners are innocent and Harpreet @ Happy-petitioner and others have not committed rape upon her. The petitioners are in custody for a period of 1 year, 11 months and 18 days. Kajal-petitioner is not involved in any other case. Harpreet @ Happy though involved in another case under Sections 323, 324, 427, 148, 149 IPC and the offences are bailable.

4. Learned State counsel has not disputed the aforesaid factual aspects and has further submitted that out of 21, 11 witnesses have been examined so far.

5. In the instant case, the petitioners are in custody for a period of about 1 year, 11 months and 18 days and the prosecutrix has not supported the prosecution version. Still 10 more witnesses remain to be examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioners in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making

any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petitions are allowed.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No