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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44292-2022 (O&M)

Date of Decision:- 27.04.2023

Mohd. Aakil

...Petitioner

Vs.

State of Haryana

... Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

CRM-8430-2023

This is an application under Section 482 Cr.P.C. for placing on record trial Court order dated 10.02.2023 (Annexure P-13) and statement of uncle of the prosecutrix recorded before trial Court (Annexure P-14).

For the reasons enumerated in the application, the same is allowed and accompanied documents Annexure P-13 and P-14 are taken on record.

CRM stands disposed of.

CRM-M-44292-2022 (O&M)

The petitioner – Mohd. Aakil has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 97 dated 22.04.2019, under Section 365, 506 of IPC and Section 6 of POCSO Act registered at Women Police Station, Mewat, Haryana.

The facts of the case are that a written application was filed by the complainant Sehjad against Mohd. Aakil, Aftaz, Rasid alias Bhaddi and Istiyak alleging that on 20.04.2019 at about 08:30 P.M., his niece aged about 17 years was alone in the house. She went to the toilet at a distance of about 50 meters behind Government School. The accused came and caught hold of her from behind and gagged her mouth. She was taken to sugarcane fields where they committed rape upon her turn by turn. His niece did not return home and after waiting for her, he started searching her. The accused persons forcibly took her in Swift car and thrown her in the fields of Satbari village. His niece went to the house of maternal uncle and narrated the entire story. The investigation was completed. The Challan was presented in which prosecution evidence is being recorded.

Learned counsel for the petitioner argued that he is falsely implicated in this case. The victim and her mother have not supported their version. The copies of their statements produced on record are Annexures P-2 and P-3 respectively. Without considering the facts of the case, the regular bail application filed by the petitioner was wrongly declined vide order dated 20.08.2022 passed by learned Additional Sessions Judge (Fast Track Special Court), Nuh, which is Annexure P-4. Later on, the statement of the uncle of prosecutrix examined as PW-8 is also produced on record as Annexure P-14. It is argued that the petitioner was arrested in this case on 20.05.2022. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Bail application is opposed by learned counsel representing the State. It is pointed out that there are specific serious allegations against the petitioner and the other co-accused. The victim was a minor. Considering

the gravity of offence, petitioner is not entitled to be released on regular bail.

I have considered the arguments and have gone through the record carefully. Mohd. Aakil, the present petitioner was specifically named in the FIR which was lodged on the statement of Sehjad. During prosecution evidence, statement of the victim and her mother has been recorded as PW-1 and PW-2 which are Annexures P-2 and P-3. It is rightly pointed out that both of them did not support the prosecution version and were declared hostile. So far as the complainant examined as PW-8 is concerned, he has supported his version. His statement is Annexure P-14. There are specific serious allegations against the present petitioner. The facts can be appreciated after recording of prosecution evidence by the trial Court. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Mohd. Aakil is accordingly, declined.

27.04.2023
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(AMARJOT BHATTI)
JUDGE

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