

2023:PHHC:148599

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

CRM-M-57850-2023

Date of Decision: 22.11.2023

LAIKAT ALI

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Abdul Azir, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Sarika Gupta, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking regular bail in the case bearing FIR No. 165 dated 18.08.2022 under Sections 323, 342, 365, 376(2)(N) IPC (Sections 363 and 366 IPC deleted later on), Section 6 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of Children Marriage Prohibition Act registered at Police Station Sadar Panipat, District Panipat.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contend that primarily the allegations with regard to commission of rape have been attributed against Murad Ali, co-accused. The victim is stated to be aged about 16 years. In fact, the victim has solemnized marriage with Murad Ali. The petitioner is stated to be the witnesses to the Nikahnama dated 22.08.2022. The allegations with regard to commission of rape have not been attributed against the petitioner. The investigation of the case is complete and the challan has been presented. The petitioner is in custody for a period of 7

months and 24 days and not involved in any other case. Similarly placed co-accused, namely, Shami has been granted regular bail in terms of the order dated 10.10.2023 passed by this Court in CRM-M-30793-2023.

4. Learned State counsel and the learned counsel for the complainant have opposed the bail application on the score that Murad Ali, co-accused had committed rape upon the victim and she became pregnant.

5. The report of DNA analysis has not yet been received. However, it has not been disputed that the allegations with regard to commission of rape have not been attributed against the petitioner and moreover, in her statement under Section 164 Cr.P.C. the victim has not specifically named the petitioner.

6. The petitioner is in custody for a period of 07 months and 24 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioners in further custody. The investigation of the case is complete and the challan has been presented in the Court. The case of the petitioner is at parity with co-accused Shami, who has been granted regular bail.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

22.11.2023

smriti

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

(VIVEK PURI)
JUDGE