

CRM-M No.13376 of 2022
CRM-M No.13402 of 2022 and
CRM-M No.14108 of 2022

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Neutral Citation No.2024:PHHC:026791

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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1. CRM-M No.13376 of 2022

Manish ... Petitioner

Vs.

State of Haryana ... Respondent

2. CRM-M No.13402 of 2022

Rohit Sharma ... Petitioner

Vs.

State of Haryana ... Respondent

3. CRM-M No.14108 of 2022

Asha Kumari ... Petitioner

Vs.

State of Haryana ... Respondent

Date of decision: 26.02.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deepanshu Matya, Advocate,
for the petitioner in CRM-M No.13376 of 2022 and
CRM-M No.13402 of 2022.

Mr. Baljeet Beniwal, Advocate,
for the petitioner in CRM-M No.14108 of 2022.

Mr. Arjun Lakhanpal, Addl. AG, Haryana.

MANISHA BATRA, J.

1. This common order of mine shall dispose of the

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aforementioned three petitions for grant of pre arrest bail which have been filed by the petitioners in a case arising out of FIR No.51 dated 17.01.2022 registered under Sections 376, 384, 509, 506, 120-B and 201 of IPC at Police Station Camp Palwal, District Palwal.

2. The aforementioned FIR had been registered on 17.01.2022 on the basis of a written complaint submitted by the complainant “T” (name withheld) alleging therein that on 21.05.2021, the petitioner Asha had told her to accompany her to some meeting of J.J.P. On her asking, she had gone to her house on 28.05.2021 for the purpose of attending such meeting. The petitioner-Asha had taken her to Village Kuslipur wherein her son i.e. petitioner-Rohit Sharma along with his friend petitioner-Manish were already present in car. All of them had taken her in a car somewhere. On the way she was administered something mixed with water on consuming which, she had lost her consciousness and then the petitioners-Rohit Sharma and Manish had committed rape upon her. After registration of FIR, investigation proceedings have been initiated.

3. The aforementioned petitions have been filed by the petitioners on the grounds that petitioner-Asha Kumari is real aunt of the prosecutrix whereas petitioner-Rohit Sharma is her son. The prosecutrix is infact living in live-in-relationship with the petitioner-Manish. A dispute had arisen between them on account of some gold jewellery but the same stands settled now. The prosecutrix has also sworn affidavits in this regard. Their custodial interrogation is not required. Therefore, they have

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prayed for grant of benefit of pre arrest bail.

4. It will be relevant to mention here that vide order dated 13.04.2023, the petitioners were directed to join the investigation. Status report has been filed by the respondent-State as per which the petitioners have joined investigation on 26.04.2023.

5. I have heard learned counsel for the petitioners and learned State counsel at considerable length and have gone through the record carefully.

6. There is delay of more than seven months in lodging of FIR in these cases. All the above named petitioners have since joined investigation. It is not the plea taken by the respondent-State that the custodial interrogation of the petitioners is required. No recovery is to be effected from them. Taking all these factors into consideration, the order of interim bail dated 13.04.2023 as passed in favour of the petitioners- Manish, Rohit Sharma and Asha Kumari, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

26.02.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No