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

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Date of Decision:- 25.07.2025

Kuldeep

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Abhimanyu Batra, Advocate
for the petitioner.

Mr. Viney Saini, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Kuldeep has filed 2nd petition under Section 439 of Cr.P.C. read with Section 482 of Cr.P.C. for grant of regular bail in case FIR No. 122 dated 10.05.2021 under Section 109, 116, 120-B, 344, 370, 370-A, 376, 511, 376(2)(n), 376(2)(f), 384, 506 of IPC and Section 3, 4, 5, 6 of Immoral Traffic (Prevention) Act, 1956 registered at Police Station Uchana District Jind.

2. Facts of the case are, prosecutrix age about 20 years gave her statement that her uncle Manoj performed second marriage of her mother Ranji about one and a half years ago at Sirsa. After sometime, her marriage was also performed by her uncle Manoj in connivance with Kuldeep with a boy namely Kapil, resident of Hisar in December 2019. She led normal life with Kapil for about 2-3 months. Thereafter, she got sick and on her asking, she was sent to her mother's house at Sirsa. From there Kuldeep



and his wife Suman conspired with her uncle Manoj and was brought from Sirsa to Uklana Mandi. Prosecutrix alleged that Kuldeep committed forcibly rape with her and he and his wife used to call 2-3 boys from whom they used to charge Rs. 2,000/- each and they used to commit rape upon her. This process continued for about 8-9 months. Thereafter, she was sent to Rajasthan in a village Sidhpura after taking Rs. 60,000/- from a person Dalbir Singh, who was indulging in illegal activities there. After 4-5 months, again she was brought back by Kuldeep and Suman to Village Uklana Mandi and after 5-6 days, she was again sent with Rameshwar by taking Rs. 60,000/-. This process continued. She was physically exploited continuously. Two other girls residents of Bihar were also brought by Manoj and were left with Kuldeep and Suman. Those girls were also indulged in these activities. She came in contact with Bittu and she requested him to get her out of this place. She was kept locked in house. Bittu disclosed this fact to Satyawan. On 08.05.2021, she was taken out of that house and in evening, Satyawan sent her to the shop of Rohit Baniya to purchase some clothes. Thereafter, a boy namely Amit Kumar came to Satyawan. Both Amit and Satyawan pressurized her to level allegations of rape against Rohit, then she will be allowed to go. She was brought to police station where she disclosed everything to police and finally FIR was lodged.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. Challan in this case has been presented and statement of victim has been recorded. Petitioner is suffering from heart ailment and kidney disease. During his stay in jail, he was referred to Civil



Hospital, Jind in Emergency Department and was also referred to PGI Rohtak. He was also operated upon. Medical history is annexed as Annexures P-2 and P-3. Medical record of petitioner was procured from Superintendent of Prison, District Prison, Jind (Annexure P-6). Conclusion of trial may take long time. His regular bail application was wrongly declined by learned Additional Sessions Judge, Jind vide order dated 25.03.2025 (Annexure P-7). He is behind the bars since long. Considering the aforesaid factual position, his regular bail petition may be allowed.

4. Learned counsel representing State referred to status report and pointed out that there are serious specific allegations against present petitioner as well as other co-accused. Petitioner was arrested in this case on 12.05.2021. His disclosure statement dated 12.05.2021 is Annexure R-2. Challan in this case was presented on 31.07.2021. Charges were framed on 08.10.2021 and now prosecution evidence is being recorded. It is confirmed that out of 28 prosecution witnesses, 18 prosecution witnesses have been examined including victim and Kapil. Regarding medical condition of petitioner, it is mentioned in para No. 19 of status report that petitioner has undergone Coronary Artery Bypass Grafting surgery on 19.01.2024 at PGIMS, Rohtak. He was discharged on 23.01.2024. From time to time, he is taken to Civil Hospital, Jind. Certificate issued by Medical Officer, District Jind is Annexure R-6. It is pointed out that general condition of petitioner is fair, vital stable and he is well oriented.

5. I have considered the aforesaid factual position. There are specific serious allegations against petitioner. He was arrested in this case on 12.05.2021. Since then he is behind the bars and facing trial. During this

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period, he was granted interim bail for undergoing surgery. Order passed in CRM-M-1879-2024, decided on 12.02.2024 is Annexure P-5. Even thereafter he is being taken to Civil Hospital, Jind as and when required. Certificate of District Prison, Jind about treatment detail is Annexure R-6. As per Custody Certificate (Annexure R-5), he is behind the bars for the last 3 years 8 months 29 days. Statement of victim recorded as PW-17 is Annexure R-4. Other prosecution witnesses are yet to be examined. Considering the medical condition of petitioner, a lenient view is taken and without expressing my mind on the merits of case, regular bail petition filed by petitioner-Kuldeep is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

25.07.2025

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(AMARJOT BHATTI)

JUDGE

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