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

CRM-M-53677-2024

Date of Decision:- 25.02.2025

MUNVAR KHAN ALIAS ROHIT ALIAS MUNWWAR KHAN

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Munish Behl, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 439 Cr.P.C.) for grant of regular bail in FIR No.78 dated 27.02.2022 under Sections 363 IPC (Sections 328, 366, 506 and 34 IPC and Sections 4 (1), 6, 14, 17 of POCSO Act, 2012 added later-on) registered at Police Station Dharuhera, District Rewari.

2. Facts of the case are that complainant i.e. father of one of the victim 'G' gave his statement that his daughter i.e. victim 'U' aged about 15 years was friendly with victim 'k' aged about 14 years living in the neighbourhood. On 26.02.2022 both girls left the house at about 9.30 am for picking up their clothes given for stitching but did not return home. With these allegations initially FIR was registered under Section 363 IPC.

Investigation was carried out. On 03.03.2022 father of victim 'U' produced his daughter and the counselling was done by legal aid counsel as well as counsellor of CWC, Rewari. Her statement was also recorded under Section 164 Cr.P.C. before Duty Magistrate, Rewari on 04.03.2022. As per this statement, victim 'U' alleged that she along with 'k' left their house and had reached in between Palwal and Aligarh village (Kher) victim 'k' received call from a boy. Said girl 'k' alighted from the bus whereas she had gone to house of her elder sister village Chandola, from where she returned back to her parental house. Later-on, victim 'K' and co-accused Saurabh were also recovered on the basis of their mobile location. Statement of victim 'k' was recorded under Section 164 Cr.P.C. on 28.05.2022 who claimed that she had performed marriage with co-accused Saurav on 27.02.2022. She had stopped in the house of co-accused Shilpi at Aligarh whereas Rohit @ Munwar Khan present petitioner repeatedly raped her. Whereas Shilpi took money from petitioner. They also prepared her objectionable video. Thereafter, she called Saurav and went to Ujjain Madhya Pradesh and solemnized marriage with him. After completion of investigation, challan was presented on 22.07.2022 and after framing of chargesheet, prosecution evidence is under progress.

3. Learned counsel for petitioner argued that he was arrested in this case on 30.05.2022 and since then he is behind the bars. Statement of both victims recorded in this case are contradictory to each other. All material witnesses have been examined. Statement of victim 'U' examined as PW3, statement of victim 'K' as PW-1, statement of father of victim 'K'

as PW4 and statement of mother of victim 'K' PW5 are placed on record as Annexures P-2 to P-5 respectively. Other co-accused Shilpi has been granted regular bail in CRM-M-31213-2023 vide order dated 20.09.2024 (Annexure P-6) and co-accused Saurav has been granted regular bail in CRM-M-30519-2023 vide order dated 23.07.2024 (Annexure P-7). Trial in this case may take some time. No purpose would be served for keeping him behind the bars for indefinite time period. He is ready to abide by the terms of bail order. Therefore, his regular bail may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report is filed. It is confirmed that till date 13 prosecution witnesses have been examined i.e., at the time of filing of status report. It is further not disputed that other co-accused has been granted bail by this Court as referred above. However, bail application of petitioner is opposed on the gravity of offence.

5. I have considered the arguments and have gone through the record. Admittedly petitioner is behind the bar since 30.05.2022. Trial is still going on. It cannot be ignored that all material witnesses pertaining to the occurrence have been examined. Therefore, there is no question that present petitioner can influence any of the material witness. Other co-accused Shilpi and Saurav are also granted regular bail by Coordinate Bench vide order dated 20.09.2024 (Annexure P-6) and order dated 23.07.2024 (Annexure P-7). Statements of prosecution witnesses will be appreciated at appropriate stage by the trial Court. Therefore, without expressing my mind on the merits of the case, regular bail application filed

by petitioner Munvar Khan @ Rohit @ Munwwar Khan is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

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

(AMARJOT BHATTI)
JUDGE

25.02.2025
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No