



CRM-M-4743-2025 and other connected cases

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213 (3 cases)

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

Date of Decision:- 21.03.2025

(1)

CRM-M-4743-2025

Farmina

...Petitioner

Versus

State of Haryana

...Respondent

(2)

CRM-M-4749-2025

Gulbahar

...Petitioner

Versus

State of Haryana

...Respondent

(3)

CRM-M-4777-2025

Gulshana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Puneet Pali, Advocate
for the petitioner in all cases.

Ms. Aditi Girdhar, AAG, Haryana.

Mohd. Salim, Advocate
for the complainant in all cases.

**AMARJOT BHATTI, J.(Oral)**

1. All aforementioned petitions have arisen out of same FIR, therefore, same are taken up together for disposal. Further, documents annexed in lead case are referred for disposal of aforesaid petitions.

2. Petitioner(s) Farmina, Gulbahar and Gulshana have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 72 dated 03.02.2024 under Section 4/22 of POCSO Act, 2012 and Section 120-B, 201, 323, 376(3) of IPC registered at Police Station Chandni Bagh, District Panipat.

3. As per the facts of case, prosecutrix gave her statement that she had visited the house of her maternal uncle Sajid along with her mother for about 15 days. On 03.02.2024, at about 02 O' clock, she along with her mother Farmina had gone to Mittal Mega Mall, Panipat and on their way back, when they reached near Petrol Pump near Gaal, Khalil and Talib, residents of Khelkalan Mohalla, Kerana came on motorcycle. Talib made her sit on motorcycle and took her to an unknown place where they did wrongful act with her. When she protested, he hit her against the wall. Thereafter, both of them ran away. She took help of an Auto Rickshaw driver who brought her back near Mittal Mall where her mother was searching for her. With these allegations, present FIR has been registered.

4. Learned counsel for petitioners argued that they are falsely implicated in this case. In fact, allegations were levelled against Khalil and Talib. Investigation was done in a biased manner. Gulshana was arrested on 27.04.2024, Farmina, mother of victim was arrested on 11.05.2024, whereas, Gulbahar was arrested on 26.04.2024. Since then they are behind

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the bars. Statement of prosecutrix has been recorded as PW-1 (Annexure P-2), where she has not levelled any allegation against present petitioners. Statement of prosecutrix recorded under Section 164 Cr.P.C. is also annexed as Annexure P-5. In fact, Farmina had filed CRM-M-12409-2024 seeking direction to official respondents to arrest Khalil and Talib – accused named in FIR. Said petition was disposed of vide order dated 11.03.2024 (Annexure P-4). Other co-accused Naushad, Sarfaraz and Sartaj have been granted regular bail by Coordinate Bench vide orders dated 20.12.2024 (Annexures P-7 to P-9 respectively). Present petitioners are ready to abide by terms of bail order. It is submitted that regular bail petitions may be allowed.

5. Status report(s) filed in aforesaid regular bail petitions confirming facts of case as detailed in FIR. It is pointed out that at the time of alleged occurrence, victim was less than 16 years of age. Copy of her Birth Certificate is Annexure R-3. It is mentioned in status report that during investigation, Khalil and Talib were found to be innocent and challan was presented against Sarfaraz, Gulbahar, Naushad, Sartaj, Gulshana @ Gulo and Farmina. After presentation of challan, charge-sheet has been framed and prosecution evidence is being recorded. Custody certificates of aforesaid petitioners are also annexed.

6. I have considered the arguments and have gone through the record carefully. As per contents of FIR (Annexure P-1) and statement of prosecutrix recorded by Magistrate under Section 164 Cr.P.C. (Annexure P-5), present petitioners and other co-accused were not named by victim. In fact, victim had named accused Khalil and Talib who are not challaned in

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present case. Resultantly, prosecutrix examined as PW-1 (Annexure P-2) did not support prosecution case. Trial is going on. Other co-accused namely Naushad, Sarfaraz and Sartaj are granted regular bail by Coordinate Bench vide orders dated 20.12.2024 (Annexures P-7 to P-9).

Considering the aforesaid factual position, without expressing my mind on the merits of case, regular bail petitions referred above filed by petitioners Farmina, Gulbahar and Gulshana are accordingly, allowed. They are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

7. Pending miscellaneous application(s), if any, in all cases, stand disposed of accordingly as well.
8. A photocopy of this order be placed on the files of connected cases mentioned above.

21.03.2025

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No