

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

CRM-M-33765-2022 (O&M)

Date of Decision: 05.08.2022

MOHD. AKRAM @ FAIZEL

...Petitioner

V/S

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Ajay Ghangas, Advocate  
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

\*\*\*\*

**VIVEK PURI J. (Oral)**

The petitioner is seeking regular bail in the case bearing FIR No. 269 dated 01.09.2020, under Section 4 of the Protection of Children from Sexual Offences Act, Sections 370, 366A, 506, 368, 372, 376, 452, 328, 120-B of IPC, registered at Police Station Industrial Sector-29, Panipat District Panipat.

Custody certificate filed and the same is taken on record.

Briefly, the FIR has been registered on the statement of the mother of the victim, alleging therein that the victim, aged about 15 years, has been kidnapped by someone.

Learned counsel for the petitioner contends that the statement of the victim and her mother has been recorded in the trial Court, where they do not implicate the petitioner in any manner. In the statement under Section 164 Cr.P.C., the victim had levelled allegations to the effect that Shobba @ Luxmi, co-accused along with two others have

forcibly taken her to U.P. and Usman had committed wrong acts with her. Furthermore, she was administered something in the tea which rendered her unconscious. Shobha @ Luxmi had sold the victim to the petitioner. However, during the course of her statement in the trial Court, the victim has come fourth with a different version. The allegation with regard to selling of victim to the petitioner has not been mentioned in the said statement. The allegations are to the effect that Shobha co-accused was contemplating to sell her to someone but the deal had not matured. Even she had not identified the petitioner during the the course of trial. The victim has also categorically stated that the accused other than Shobha are unknown to her and they never committed wrong acts upon her at any point of time. Moreover, the co-accused, Shobha @ Luxmi against whom the victim has attributed allegations, has been granted regular bail by this Court.

Learned State Counsel on the other hand, resisted the bail application on the score that report of FSL has not yet been received and so far, only 6, out of total 24 witnesses have been examined.

Be that as it may, the statement of the victim under Section 164 Cr.P.C. and recorded during the course of trial are at variance. The victim has not identified the petitioner, during her deposition in the trial Court. The allegation with regard to selling of victim, indicate that even such transaction could not materialise. The names of the persons who allegedly committed rape upon the victim have not been specified.

The petitioner is in custody for a period of 9 months and 15 days and

not involved in any other case. Furthermore, out of 24, only 6 witnesses have been examined so far, therefore, the conclusion of trial is likely to take some time. The statement of the victim and her mother has been recorded. Consequently, it cannot be said that the petitioner can in any manner win over or influence the material witnesses. The petitioner is no involved in any other case. No useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to grant the petitioner, concession of bail. 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 requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

05.08.2022  
Ajay Goswami

**(VIVEK PURI)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*