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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8464-2023 (O&M)
Date of decision : 19.09.2023

Gaurav ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Parveen Kaushik, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

CRM-10649-2023

This is an application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) for placing on record correct amended copy of the main petition.

For the reasons stated in the application, the same is allowed and the amended petition is taken on the record.

CRM-M-8464-2023

1. This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.140 dated 27.03.2022 under Sections 363, 366-A, 384, 376, 506, 452 of the Indian Penal Code, 1860 and Sections 4 and 12 of the Protection of

Children from Sexual Offences Act, 2012, registered at Police Station City Rewari, District Rewari, Haryana.

2. Learned counsel for the petitioner would contend that as per the FIR the daughter of the complainant left the house with the present petitioner on 26.03.2022 at 03.00 AM and, thereafter, when the complainant woke up and saw that the present petitioner was walking outside the house, he dialed '112' and the police immediately came and they apprehended the petitioner who told them that the victim was at the railway station where she was found by the police and handed back to her parents. It is further the contention of learned counsel that the victim in her statement recorded under Section 164 CrPC stated that the petitioner enticed the victim on the intervening night of 26/27.03.2022 and telephonically called her at about 01.00 AM and threatened her and asked her to come out of the house. She went out of the house and the petitioner took her to the railway station where he made her sit and asked her to wait for two minutes. Since she was weeping at the railway station, when the police arrived and asked her the reason for crying, she narrated the entire incident to the police. The police thereafter apprehended the petitioner who was present at the station. In the statement it was further stated by the victim that in 2021 the petitioner had committed sexual assault upon her. Learned counsel would further contend that there are totally different versions given by the victim in her statement recorded under Section 164 CrPC and in the FIR. It is further the contention that the petitioner has been in custody for a period of 01 year 05 months and 20 days.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 05 months and 20 days. Learned counsel for the State has pointed out that the statement of the complainant has not been recorded despite the order passed by this Court on 27.07.2023. The *zimni* order of 29.08.2023 reveals that despite being summoned, the father and mother of the victim did not come present for recording of their statements. Even on the previous date, the complainant and his wife were not present for recording of their statements. Learned State counsel has stated that there are serious allegations against the petitioner and this is not a fit case for grant of regular bail to the petitioner.

4. Heard.

5. In the present case the petitioner has been in custody for a period of 01 year 05 months and 20 days. The statement of the victim stands recorded. The complainant, despite being summoned on two occasions, has not come forward to get his statement recorded. The allegations against the petitioner are that he enticed the victim on 26.03.2022 and that the victim was found sitting at the railway station. Though in the FIR it has been stated that the petitioner herein was walking outside the house of the complainant in the street, however, in the statement of the victim it has been stated that the petitioner was apprehended at the railway station. There are no allegations against the petitioner of any sexual assault having been committed on 26.03.2022. However, an allegation has been made by the

victim that one year prior the petitioner had sexually assaulted her. There is no medical to support the said allegation. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

19.09.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8744-2023 (O&M)
Date of decision : 19.09.2023

Sandeep Singh @ Gori ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. Learned counsel for the petitioner seeks permission to withdraw the present petition. He, however, prays that the Trial Court may be directed to conclude the trial in a time-bound manner.
2. Dismissed as withdrawn. However, the Trial Court is requested to try and conclude the trial, in accordance with law, within a period of six months from today. Pending applications, if any, also stand disposed off.

19.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE
NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO