

CRM-M-12196-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
214

CRM-M-12196-2023  
Date of Decision:-02.05.2023

Sahil  
.....Petitioner

Versus

State of Haryana  
.....Respondent

**CORAM: HON’BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Aditya Sanghi, Advocate for the petitioner.  
Mr. Amit Aggarwal, DAG, Haryana.

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**ALOK JAIN, J. (Oral)**

Prayer is for grant of regular bail to the petitioner in case FIR No. 534 dated 12.09.2022 under Sections 452 and 506 of the Indian Penal Code and Section 8 of the POCSO Act, 2012, registered at Police Station City Narnaul, District Mahendergarh, Haryana.

2. Learned counsel for the petitioner submits that a perusal of the statement recorded under Section 164 Cr.P.C. makes it clear that the ingredients of Section 8 of the POCSO Act, are not made out.
3. Learned State counsel submits that three witnesses have been examined and all the material witnesses have already testified.
4. After hearing learned counsel for the parties and the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.
5. Nonetheless, without commenting on the merits of this case, at

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this stage, the fact of the matter remains that the petitioner being a young boy of 20 years, who is in incarceration since 12.09.2022 and his studies are being effected badly.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. The complainant shall be at liberty to move an appropriate application for cancellation of bail with cogent evidence, in case the petitioner violates the aforesaid conditions.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

02.05.2023  
Neenu/parul

(ALOK JAIN)  
JUDGE

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |