

CRM-M-25234 of 2022 (O&M) [1] 2023:PHHC:063591

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+202 (2 Cases) CRM-M-25234 of 2022 (O&M)
Date of decision:03.05.2023

Nitin ... Petitioner

Vs.

State of Haryana ... Respondent

CRM-M-21971 of 2022 (O&M)

Aryan ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Bhupender Singh, Advocate
for the petitioner in CRM-M-25234 of 2022.

Mr. Mandeep Singh Khillan, Advocate
for the petitioner in CRM-M-21971 of 2022.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

CRM-18584-2023 in CRM-M-25234-2022

Application is allowed as prayed for.

Statement of minor victim is taken on record as Annexure P-5.

CRM-18567-2023 in CRM-M-21971-2022

Application is allowed as prayed for.

Statement of minor victim is taken on record as Annexure A-1

Main Cases

1. This order shall dispose of two petitions, i.e. CRM-M-25234 of 2022 and CRM-M-21971 of 2022 seeking grant of regular bail under Section 439 Cr.P.C., in case bearing FIR:-

FIR No.	Dated	Police Station	Sections
976	21.12.2021	Karnal City, District Karnal	354-A, 511, 509, 201, IPC and Sections 10, 12, 23(4) of Protection of Children from Sexual Offences Act, 2012 (for short “the POSCO Act”), however, Sections 366, 506 IPC were added later on.

2. Accused-Nitin is approaching this Court for the second time, whereas, it is the first petition at the hands of accused-Aryan.

3. Version of the prosecution is that FIR (Annexure P-1) has been registered on the complaint of father of 13 year old girl on the allegation that two boys, one of whom is juvenile, have been harassing her daughter on her way to school and back. They indulge in objectionable activity. Due to constant harassment, complainant has been forced to shift to another place.

3. Counsel for the petitioners submit that petitioners have neither been named in the FIR nor in the statement of minor victim recorded under Section 164 Cr.P.C. By referring to her testimony, which has been recorded on 11.04.2023, counsel urge that the allegation levelled against the petitioners is of threatening the complainant. Counsel submit that as the minor victim, who is the most material witness, has been examined, petitioners deserve to be released from confinement. It has been asserted that

the first petition filed by accused-Nitin was withdrawn in March, 2022 as the minor victim was yet to testify in the witness box.

5. Per contra, State counsel, upon instructions from SHO Kamaldeep and L/ASI Sudesh, has opposed the petitions. He submits that besides the allegations levelled in the testimony, both the accused can be seen in a video threatening the complainant and using abusive language. He submits that video has been circulated on the social media. He has urged that a teenager has been harassed by the accused and they do not deserve any leniency. As per his instructions, 01 out of total 10 prosecution witnesses, has been examined.

6. I have heard counsel for the parties and considered their respective submissions.

7. Noticing the nature of allegations levelled against the petitioners, role ascribed to them, length of their custody, which by now is more than 14 months and stage of the trial, this Court is of view that petitioners deserve to be enlarged on bail.

8. Without adverting to the merits or demerits of the arguments addressed, petitions are allowed and petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. While being released on bail, petitioners shall furnish an undertaking by way of an affidavit before the Trial Court/Duty Magistrate to the effect that they will neither try to contact nor meet or harass the minor

victim or her family members, physically or electronically or by any other means, during the pendency of the proceedings arising of the FIR.

10. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 03, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes