

201

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

CRM-M-26097-2023

Date of Decision:- 02.12.2023

DANISH

....Petitioner.

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Varun Singh Dhanda, Advocate for the petitioner.
Mr. N.S. Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Danish has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.122 dated 11.04.2022, under Section 6 of POCSO Act, 2012 (Section 406 IPC added later-on) registered at Police Station Sector-14 Gurugram, District Gurgaon.

2. The facts of the case are that complainant gave her statement that she is mother of two sons and two daughters. Her younger daughter i.e. the victim aged about 16 years was friendly with Danish for the last about 2 years. The said boy allured her daughter for getting married and also maintained physical relations with her. He also managed to extract Rs.3 lacs from her by giving threats. The parents of Danish were also aware of this fact. With these allegations, the present FIR was registered.

3. Learned counsel for the petitioner argued that all the allegations levelled against him are false. The statement of victim under Section 164

Cr.P.C. is Annexure P-2. The statement of the victim has also been recorded in the Court where she categorically stated that she had no physical relations with the present petitioner. The said statement is Annexure P-3. Earlier he had filed bail application bearing CRM-M-41271-2022 which was withdrawn as per order dated 16.03.2023 (Annexure P-4). The regular bail application filed before learned Additional District Judge, Gurugram was dismissed vide order dated 22.03.2023 which is Annexure P-5. He is behind the bars since 24.04.2022. He is ready to face the trial and abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Status report is not filed. However, it is confirmed that the statement of the victim is recorded and the statement of other material witnesses are yet to be recorded. Considering the gravity of offence, the present petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Learned counsel for the petitioner has placed on record the statement of the victim recorded before the learned Additional Sessions Judge, Annexure P-3, where she has not levelled allegation of rape against the present petitioner facing trial before the Court. The statements of other witnesses are yet to be recorded. Trial of this case may take some time. The present petitioner is ready to abide by the terms of bail order. The statement of victim and other evidence will be considered by the trial Court at the relevant time. At this stage, without expressing my mind on the merits of the case, the regular bail application filed by the present petitioner is allowed. He is ordered to be released on bail to the satisfaction

of trial Court/Duty Judge.

6. The bail application stands accepted.

Pending application (s), if any, also stands disposed of.

02.12.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No