

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

207

Criminal Misc. No. M-30154 of 2022

Date of decision :-17.08.2023

Mohit Bhardwaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. A.S. Gulati, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.0202 dated 02.11.2020, under Sections 363 and 366-A IPC (Section 120-B IPC alongwith Section 6 of POCSO Act added later on, however, Section 366-A IPC deleted and Section 363 IPC read with Section 106 IPC and Section 366 IPC read with Section 109 IPC and Section 6 POCSO Act added), registered at Police Station Sector 37, Gurugram.

The present FIR was registered on the complaint of brother of the victim dated 02.11.2020 alleging therein that he alongwith his family used to live in a rental accommodation at Hari Nagar, Gurugram since five years. It is stated that the victim was 16 years of age and since 02.11.2020 she was missing from home. He

raised suspicion against Mohit Bhardwaj (petitioner herein), who is co-villager, that he enticed away his minor sister. On these allegations, the matter was registered and inquired. During investigation, the girl was recovered from the custody of Mohit, petitioner herein and he was arrested on 06.12.2020.

Learned counsel for the petitioner has *inter alia* submitted that the alleged victim was 16-½ years of age at the time of alleged occurrence. It is submitted that in her statement under Section 164 Cr.P.C., the victim did not support the case of the prosecution. However, thereafter, when she appeared as prosecution witness as PW2 in the trial Court, she has supported the case of the prosecution. The deposition of the victim as PW2 is on record as Annexure P-7.

Learned State counsel has filed the custody certificate dated 16.8.2023 in Court today. The same is taken on record. Copy thereof is supplied to the counsel opposite. Learned State counsel submits that as per the said custody certificate, the petitioner has undergone 02 years, 08 months and 10 days of custody. Learned State counsel further submits that out of total 23 prosecution witnesses, 06 witnesses have been examined so far.

I have heard learned counsel for the parties and gone through the case file carefully.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning 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 trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 17, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No