

218

**2023 : PHHC : 108331**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CRM-M-33111-2023**  
**Date of Decision: 21.08.2023**

**VISHAL**

**... PETITIONER**

**V/S**

**STATE OF HARYANA**

**... RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Gurveer Singh Sidhu, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

\* \* \*

**VIVEK PURI, J. (ORAL)**

1. The petitioner is seeking regular bail in case bearing FIR No. 110 dated 08.03.2022 under Section 365 IPC (challan presented under Sections 363, 366-A, 120-B IPC and Sections 4, 6, 17, 18 of Protection of Children from Sexual Offences Act), registered at Police Station Babain, District Kurukshetra.
2. Custody certificate and status report by way of affidavit of Randhir Singh, Deputy Superintendent of Police Shahabad (M), Kurukshetra, on behalf of the State have been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered at the instance of the father of one of the victims alleging that they went missing from the house on 08.03.2022. One of the victims has been recovered on 23.04.2022 and the other victim was recovered on 24.04.2022. In their statements under Section 164 Cr.P.C., the victims have not levelled any allegations with regard to commission of penetrative sexual assault against the petitioner. One of the victims has alleged that the

petitioner had dropped the victim at the house of Abhishek, the co-accused. However, the mother of Abhishek, co-accused sent her back by saying that marriage of the victim shall be solemnized with Abhishek, the co-accused after they attain the age for valid marriage. There is no allegation in the statement under Section 164 Cr.P.C. to the effect that the petitioner had made any attempt to make physical relations with any of the victims. One of the victims has not supported the prosecution version. The petitioner is in custody for a period of 1 year, 3 months and 23 days and not involved in any other case. The statements of both the victims during the course of trial have been recorded.

4. Learned State counsel, on instructions of ASI Ravinder, has submitted that one of the victims has supported the prosecution version, who is aged about 15 years. While appearing in the witness-box, she has also attributed allegations of commission of wrong act on two occasions against the petitioner. However, it has not been disputed that in her statement under Section 164 Cr.P.C., no such allegation has been levelled against the petitioner. It has been further submitted that out of 23, 9 witnesses have been examined.

5. It is significant to note that in their statements under Section 164 Cr.P.C., the victims have not levelled allegation of commission of wrong act against the petitioner. The value of the statement recording during the course of trial wherein she has levelled allegations of commission of wrong act on two occasions against the petitioner will be seen by the learned trial Court during the course of trial. It has also been submitted that three of the co-accused have been granted regular bail. Still 14 witnesses remain to be

examined. The petitioner is in custody for a period of 1 year, 3 months and 23 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

**21.08.2023**

Janki

**(VIVEK PURI)  
JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*