

**CRM-35813-2023 in/and**  
**CRM-M-35376-2023**

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**2023:PHHC:115337**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**102**

CRM-35813-2023 in/and  
CRM-M-35376-2023

Date of Decision: 02.09.2023

Suraj

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. R.S. Dhull, Advocate for the petitioner.

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

**NIDHI GUPTA, J. (ORAL)**

**CRM-35813-2023**

Prayer in this application filed under Section 482 Cr.P.C. is for pre-poning the date of hearing in the main case from 13.12.2023 to some early date.

Notice of the application.

On the asking of Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana, accepts notice on behalf of respondent-State and submits that he has 'no objection' in case, the present application is allowed.

In view of the above and for the reasons stated in the application, the same is allowed and date of hearing in the main case is pre-poned from 13.12.2023 to today itself.

**CRM-M-35376-2023**

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 69 dated

19.03.2023 registered under Sections 363 and 506 IPC and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector-56, District Gurugram.

The aforesaid FIR was registered on the basis of written complaint moved by the father of the victim alleging therein that on 17.03.2023, he had boarded his daughter/victim aged around 15 years in an Auto from Hongkong Bazar, but she did not reach the school which fact he confirmed from the school himself. He had also handed over Rs.4000/- to his daughter/victim to deposit the same towards here school fee. He kept on searching for his daughter on his own, but was unable to locate her.

On 27.07.2023, when this matter was listed for hearing, following order was passed by this Court:-

*“Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 69 dated 19.03.2023 registered under Sections 363 and 506 IPC and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector-56, District Gurugram.*

*It is inter alia submitted by learned counsel for the petitioner that in actual fact the petitioner had tried to save the victim from the main accused-Rohit, friend of the petitioner who had tried to do wrongful act with the victim. Learned counsel refers to Annexure P-4, statement of the victim recorded under Section 164 Cr.P.C. wherein this fact has been categorically recorded as follows:-*

*“There, Rohit drank beer and attempted to commit wrongful act under intoxication. I started shouting and Suraj was there as well who beat up Rohit”.*

*Learned counsel also refers to the report of Legal Advisor dated 22.03.2023 (Annexure P-2) wherein too the victim had clearly stated that co-accused-Rohit had tried to do wrongful act with her, however, the petitioner had beaten and admonished Rohit. It is submitted that despite having helped the victim, the petitioner is behind bars.*

*Custody certificate dated 26.07.2023 filed by learned counsel for the State is taken on record as per which the petitioner has been in custody for 04 months and 03 days. Learned counsel for the State submits that victim was only 15 years old at the time of occurrence.*

*Learned counsel for the State is directed to file detailed status report in the matter.*

*Adjourned to 13.12.2023.”*

Learned counsel for the petitioner, *inter alia*, submits that even in the status report dated 22.08.2023, filed by way of affidavit of Sh. Abhimanyu, HPS, Assistant Commissioner of Police, Gurugram, it has been admitted by the respondent-State that the petitioner had tried to stop the main accused-Rohit from committing wrong act with the victim. Learned counsel for the petitioner further submits that the petitioner has been in custody since 23.01.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

On the other hand, learned counsel for the State submits that custody certificate of the petitioner is not available today, but he admits that the petitioner has been in custody since 23.01.2023. He further submits that challan in the present case was presented before the trial Court on 16.05.2023. It is submitted that charges are yet to be framed in the matter and the next date of hearing before the trial Court is

23.09.2023.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the facts and circumstances of the case including the fact that petitioner is not the main accused in the matter, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Suraj S/o Sanjay is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

02.09.2023

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( NIDHI GUPTA )  
JUDGE

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