

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39896-2023 (O&M)
Date of decision : 22.09.2023

Sahil ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Jindal, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.620 dated 06.09.2022 under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Panipat.
2. Learned counsel for the petitioner would contend that the daughter of the complainant in the present case is 17 years of age and that she has stated in her statement recorded under Section 164 of CrPC that she had known the petitioner for the last about 3-4 years. Even in her statement recorded before the Court, it has been stated by the victim that she was in love with Sahil and had also cut her hand once. Learned counsel would further contend that the record of the place of the incident i.e. Unique PG

Guest House reveals that it was one Preeti whose Aadhaar Card had been presented and the CCTV footage showed a girl with a muffled face walking into the guest house along with the petitioner. Learned counsel would further contend that the said Preeti has never been interrogated and it has been presumed that the Aadhaar Card of Preeti was given by the petitioner, however, there is nothing on the record to show as to how the petitioner came in possession of the said Aadhaar Card of Preeti. It is further the contention of learned counsel that the petitioner has been in custody for a period of 11 months and 29 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed a status report by way of affidavit of Sh. Satish Kumar, HPS, Deputy Superintendent of Police, City Panipat wherein it has been stated that the alleged date of incident is 27.08.2022 and the FIR was lodged on 06.09.2022. The medical examination was conducted on 12.09.2022. Learned counsel for the State is not in a position to deny that from the statement of the victim it appears that the victim and the petitioner were involved in a romantic relationship. Learned State counsel has also filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 11 months and 29 days and there is no other case pending against him.

4. Heard.

5. In the present case, though the incident is alleged to have taken place on 27.08.2022, however, the FIR itself has been lodged on 06.09.2022 and the victim was taken for her medical examination on 12.09.2022. It has

come on the record that the place of incident, which is Unique PG Guest House, was visited by the petitioner with a girl whose name (Preeti) and Aadhaar Card finds mentioned in the record of the said guest house. Although learned counsel for the State has stated that the petitioner had misused the Aadhaar Card of Preeti and had actually taken the victim with him to the said guest house, however, she is not in a position to deny the fact that as per the CCTV footage available the girl walking in is with a muffled face and cannot be identified. There is nothing on the record as to whether Preeti, whose Aadhaar Card had been given at the guest house, was ever interrogated. As per the custody certificate the petitioner has been in custody for a period of 11 months and 29 days and there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

22.09.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO