

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

213

CRA-S-2354-2023

Date of decision: 01.09.2023

LOKESH

...Appellant

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sarun Hans, Advocate for
Mr. Abhinav Sood, Advocate
for the appellant.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J.(ORAL)

The present appeal has been filed by the appellant for grant of regular bail in case FIR No.275 dated 26.06.2022 under Sections 376 and 120-B IPC and Section 67 of IT (Amendment) Act, 2008 (Sections 67-A of IT (Amendment) Act, 2008 and Section 3 of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 added later on), registered at Police Station Chand Hut, Tehsil and District Palwal.

2. FIR in the present case has been registered on the basis of statement of mother of the victim. Brief facts of the case are as follows:-

"To, Sh. SHO Sahab Police Station Chand Hut District Palwal. Sir, it is requested that I Palo Bai wife of Sarjeet is resident of Jhuppa Police Station Chand Hut District Palwal. I have five children out of which marriage of my daughter Kamlesh was scheduled for 4 May 2022 and in the marriage my elder daughter Babli Kaur had also come who was residing in my village after marriage. That on dated 14 May 2022 my daughter Babli had gone towards bushes nearby at the coast of Jamuna river for answering the call of nature, that on

finding my daughter to be alone Lokesh Kumar son of Harisharan resident of Palhaka Police Station Raghupura Tehsil Jevar District Gautam Budh Nagar U.P and one another boy whose name I do not know, that both of them together by threatening my daughter got my daughter forcibly undressed and Lokesh against the consent of my daughter committed rape and second boy made obscene vide of her from mobile and made it viral. That my daughter has not told anything till now but after video got viral my daughter told me about the entire incident. Justice may be given to my daughter and strict legal action be initiated against accused. I shall be highly thankful. SD. RTI Applicant Palo Bai wife of Sarjeet resident of Jhuppa M.No. Dated 26.06.22.”

3. Learned counsel for the appellant *inter alia* submits that the victim was about 20 years of age at the time of alleged incident. It is stated that the date of alleged incident is of 14.05.2022. However, FIR has been registered after a delay of one month and 10 days on 26.06.2022. He further states that the allegations made in the FIR are utterly false and untrue. It is stated that the co-accused of the appellant, allegations against whom are that he had made a video of the victim with the appellant, has already been granted bail by the learned trial Court vide order dated 04.03.2023 (Annexure A-3). It is stated that even no recovery has been made from the co-accused of any video as alleged. Learned counsel submits that even as per the Medico Legal Report (Annexure A-2), no injuries were found on the person of the victim. He further submits that the appellant is in custody since 07.08.2022.

4. Learned State Counsel submits that custody certificate in the present case is not available today. He further submits that charges have been framed in the present matter and next date of hearing before the trial

Court is 15.09.2023. However, learned State counsel admits the fact that there is no other case pending against the appellant.

5. I have heard learned counsel for the parties.
6. Without commenting on the merits of the matter, in view of the fact that charges have been framed and the appellant is in custody since 07.08.2022 and has undergone **11 months and 23 days** in custody, present petition is **allowed** and appellant is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
7. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.
8. Pending application(s) if any also stand(s) disposed of.

September 01, 2023
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(NIDHI GUPTA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No