

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

CRM-M-57191-2023

Date of Decision: 20.11.2023

RAUNAK

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shobhit Rapria, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 147 dated 18.03.2020 registered under Sections 341, 354A, 201 & 506/34 of Indian Penal Code and Section 10 of the POCSO Act at Police Station Sonapat Sadar, District Sonapat.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that as per the allegations, the petitioner along with 2 co-accused namely Parveen and Nakul had allegedly outraged the modesty of the victim, who is stated to be 11-1/2 years and inappropriately touched her. Parveen and Nakul, co-accused faced trial and have been acquitted by the learned trial Court in terms of the judgment dated 15.03.2023. The petitioner had instituted a petition bearing CRM-M-6968-2021 for anticipatory bail. The petitioner sought to withdraw the petition with liberty to surrender before the learned trial Court. The Co-ordinate Bench of this Court observed that in the event,

the petitioner surrenders before the trial Court within a period of two weeks

and moves an application for regular bail, the trial Court shall make an endeavour and decide it within a period of one week of its filing and accordingly, the petition was disposed of. Concededly, the petitioner had not surrendered within a period of two weeks from the passing of the aforesaid order. It has been submitted that the grandfather of the petitioner had died and certain other compelling family circumstances prevented him from appearing in the Court. The petitioner is now in custody for a period of 3 months and 24 days. In consequence of petitioner having been declared proclaimed offender, an FIR under Section 174-A IPC was also registered against him wherein he was convicted and he has undergone the sentence imposed upon him in those proceedings.

4. Learned State counsel has opposed the bail application on the score that the petitioner was declared as proclaimed offender and thereafter his arrest was effected. The victim had supported the prosecution version during the course of trial.

5. It has not been disputed that the co-accused have been acquitted by the learned trial Court and substantially, similar allegations have been levelled against the petitioner and the co-accused. Although, the petitioner had not surrendered in the trial Court within a period of two weeks in terms of the order dated 29.11.2021 but significantly, he is in custody for a period of 3 months and 24 days. The petitioner has suffered sufficient incarceration for the lapse on his part for not appearing before the Court and having been declared proclaimed offender. The supplementary challan against the petitioner is stated to have been presented but the charges are yet to be framed. 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.

20.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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