

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

Neutral Citation No.2023:PHHC:050353

107+213

CRM-M-59616-2022 (O & M)
Date of Decision:-12.04.2023

MUKESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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

Mr.Brijesh Sharma, AAG Haryana

ALOK JAIN, J. (Oral)

CRM-15526-2023

Prayer in the application is for placing on record the affidavits dated 17.03.2023 and statement under Section 164 Cr.P.C. as Annexures P-4 to P-7.

Application is allowed as prayed for, subject to all just exceptions. Annexures P-4 to P-7 are taken on record,

CRM-M- 59616-2022

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.41 dated 12.09.2022, under Sections 323/341/354-A/354-D and 506 of the IPC, Sections 10 and 12 of the POCSO Act, 2012, and Sections 3(i)(w)(i) SC/ST Act (Section 34 of the IPC and Sections 25/54/59 of the Arms Act deleted later on), registered at Police Station Women Sirsa, District Sirsa.

Learned counsel for the petitioner submits that in fact, the parents and brother of the complainant-Sapna have already submitted their affidavits dated 17.03.2023 stating therein that the FIR was lodged on the narration of their daughter/victim but on subsequent verification about the said incident, it has turned out that no such incident had taken place.

It is a strange case that the complainant lodged the FIR only on the asking of her parents, without verifying the facts, due to which a young boy of 18 years has been incarcerated.

In view of the above and the fact that the petitioner is a young boy of 18 years of age and he is in custody since 13.09.2022 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and two surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing, stated above, shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

12.04.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No