

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**214****CRM-M No.61056 of 2022****Reserved on : 03.07.2023****Date of Decision : 11.07.2023**

Aryan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwal Deep Sachdeva, Advocate for the petitioner

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

ALKA SARIN, J.

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.616 dated 05.09.2022 under Sections 354, 354-D and 506 of the Indian Penal Code, 1860 and Sections 10 and 12 of the Protection of Children from Sexual Offenses Act, 2012 registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner would contend that the petitioner is a 19 years old student of B.A. 2nd Semester, studying in Guru Nanak Khalsa College, Railway Road, Karnal and that the victim is a resident of Kurukshetra. It is further the contention that though the alleged incident is stated to have occurred on 01.09.2022, however, the FIR has been registered on 05.09.2022 and there is no reason forthcoming for explaining the delay. It has further been contended that the petitioner has been falsely

implicated in the present case. Learned counsel for the petitioner has further contended that the petitioner has been in custody for a period of 09 months and 13 days.

3. Reply by way of affidavit of Mr. Nayab Singh, HPS, Deputy Superintendent of Police, Kurukshetra has been filed on behalf of the respondent-State wherein it has been pointed out that out of 10 prosecution witnesses only 04 have been examined. Learned State counsel has stated that the statements of the complainant and the victim stand recorded.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner is a young boy of 19 years and is a student of B.A. The petitioner has been in custody for a period of 09 months and 13 days and there is no other case pending against him. The challan was presented on 10.10.2022. Though the victim as well as the complainant stand examined in the present case, there are several prosecution witnesses yet to be examined and the conclusion of the trial is likely to take some time.

6. In view of the above and without commenting upon the merits of the case, I deem 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.

11.07.2023
jk

(ALKA SARIN)
JUDGE

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