

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

**CRM-M-686 of 2024
DATE OF DECISION :- 18.01.2024**

Jitender @ Jeetu **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lekh Raj Sharma, Advocate
with Mr. Abhishek Sharma and Abhikant Vats, Advocates
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Manoj Kumar Sood, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 319 dated 04.07.2022, registered for the offences punishable under Sections 506 IPC and Section 6 of POCSO Act, 2012 (Section 363 IPC deleted) at Police Station Dabua, District Faridabad.
2. Counsel for the petitioner submits that the petitioner is in custody since 6.7.2022 and the testimony of the prosecutrix stands recorded during the course of trial. Learned counsel for petitioner has extensively referred to the testimony recorded of the prosecutrix to argue that the case is the outcome of rivalry between the family of the petitioner and the family of the prosecutrix on account of some construction work & the prosecutrix has also admitted to have written certain love letters to the petitioner which were burnt in the police station two years ago. On the strength of the statement made by the prosecutrix

under Section 164 of Cr.P.C as also her testimony recorded in the Court, learned counsel for the petitioner has argued that the trial is not likely to culminate into conviction thus regular bail be granted to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. After completion of investigation, the challan was presented on 25.07.2022 wherein total 16 prosecution witnesses have been cited. The prosecutrix already stands examined as a prosecution witness. This Court does not deem it appropriate to delve into the rival contention of the learned counsel for the parties regarding the weightage required to be attached to the deposition of prosecutrix as PW1, least it may prejudice to the rights of the rival parties. The petitioner is stated to be in custody since 6.7.2022. Therefore, in considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

18.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No