

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

CRM-M-2144 of 2024

DATE OF DECISION :- 30.01.2024

Gautam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Atul Ravish, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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. 280 dated 06.11.2021, registered for the offences punishable under Sections 363,366-A IPC, later on added Section 6 of POCSO Act, 2012 at Police Station DLF Phase III, District Gurugram.

2. Counsel for the petitioner submits that the petitioner was arrested on 22.07.2022 wherein after investigation was carried out and challan has been presented. Learned counsel for the petitioner has further argued that the prosecutrix, when examined as PW3, has not supported the case of the prosecution and was declared hostile by the learned Special Public Prosecutor. Learned counsel, while referring in extenso to the testimony of PW3, has argued that the victim had married one person namely Anil out of her own accord and the FIR in question has been got registered against the present petitioner by the parents of the victim on account of some misunderstanding.

Thus regular bail is prayed for.

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. The accused is in custody since 22.07.2022. The Challan stands presented on 12.09.2022 wherein total 23 prosecution witnesses have been cited. Seven prosecution witnesses already stands examined and trial is underway. The rival contentions of the learned counsel for the parties regarding the weightage required to be attached to the testimony of PW3 (victim) will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage. As per custody certificate dated 29.01.2024 filed by the learned State counsel, the petitioner has suffered incarceration of more than 1 year 6 months and is not shown to be involved in any other case. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. In the 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

30.01.2024
P.Singh

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