

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-1985-2024 (O&M)
Date of decision: 17.05.2024

KARAN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Anshul Gupta, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.72 dated 20.02.2023 (Annexure P-1) under Sections 365 IPC and Section 6 of the POCSO Act, 2012 (Sections 363, 366, 323, 506, 120-B, 366-A IPC added later on and Section 365 IPC deleted later on) registered at Police Station Chandimandir, District Panchkula.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. As per the prosecution case, on 16.02.2023 at about 11 a.m., the prosecutrix left the house on her own without informing anyone and despite searching for her she could not be found. Ultimately, the father of the prosecutrix reported the matter to the police. The prosecutrix was recovered on 16.04.2023

from Jaipur. The medical examination of the prosecutrix was conducted on the same day i.e. 16.04.2023 and her statement was also recorded under Section 164 Cr.P.C on the same day (Annexure R-2).

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 19.04.2023 as under-trial. He further contends that as per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-2), there is no allegation against the petitioner except that the petitioner and his co-accused Sachin had assisted the main accused-Gautam in committing offence. The allegations of sexual abuse are only against the main accused-Gautam. He submits that the co-accused of the petitioner has already been granted bail vide judgment dated 14.12.2023 passed in CRM-M-50082-2023 by the Coordinate Bench of this Court. The trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

6. On the other hand, learned State counsel on instructions from ASI Abhishek has informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. He has confirmed that the petitioner is in custody since 19.04.2023. The petitioner has suffered a disclosure statement (Annexure R-4) and demarcated the place of occurrence. The testimony of the minor victim has also been recorded (Annexure R-6).

7. I have considered the aforesaid contentions. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. The petitioner is in custody since 19.04.2023. The trial will take some time to conclude. There is

no apprehension of absconding of the petitioner. The co-accused (Sachin) of the petitioner has already been granted bail by the Coordinate Bench of this Court. The allegations against the petitioner are similar with the above-said co-accused (Sachin). The statement of the minor victim has also been recorded (Annexure R-2).

8. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17.05.2024
P.Bhatt

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