

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

**CRM-M-2469 of 2024 (O&M)
DATE OF DECISION :- 19.01.2024**

Amit

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Dr. Pankaj Nanhera, Advocate
with Mr. Rahul Gautam, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, 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. 660 dated 21.08.2023, registered for the offences punishable under Sections 323,376 and 506 IPC at Police Station Surajkund District Faridabad.
2. Counsel for the petitioner submits that the petitioner is in custody since 27.08.2023 and after completion of investigation challan has been presented. Learned counsel for the petitioner has relied upon an affidavit dated 19.12.2023, stated to have been executed by the prosecutrix, in which it has been stated that she does not have any objection if the F.I.R in question is cancelled/quashed. On the strength of these submissions, learned counsel for the petitioner has prayed that the petitioner deserves to be enlarged on regular bail.

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. Mr. Yogesh Vashista, Advocate has filed vakalatnama for respondent No. 2-complainant. The same be taken on record. He submits that he has no objection if the petitioner is granted regular bail.

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

6. The petitioner was arrested on 27.08.2023 and challan stands presented on 16.10.2023 wherein total of 24 prosecution witnesses have been cited. The veracity as also the weightage required to be attached to the affidavit of prosecutrix (copy whereof has been appended as Annexure P-2) shall be gone into during the course of trial. 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.

7. 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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

19.01.2024
P.Singh

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