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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2998-2024 (O&M)

Date of Decision: 25.01.2024

PANKAJ

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Govind Chauhan, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No.45 dated 17.01.2023, registered for the offences punishable under Sections 363, 366-A, 506 and 120-B IPC and Section 6 of POCSO Act at Police Station Sadar Karnal, District Karnal.
2. The case set up in the FIR in question is as follows:-

“That the brief facts of the case are that on 17.01.2023, 1 ASI Sanjay Kumar is present at Police Station then Pooja wife of Rinku Kumar, resident of Kachhwa, Police Station Sadar Karnal, District Karnal came at Police Station and submit an application, which is as under:- To, The SHO, Police Station Sadar Karnal. Sir, It is requested that I am Pooja wife of Rinku Kumar, resident of Kachhwa. I have four daughters and one son. My elder daughter namely, Bhawna, aged 15 years, is missing from home on 16.01.2023 at around 1 pm. I left my daughter at home around 1 o'clock. When I came back home, I did not find my daughter at home, which I have been searching for till today along with my family. Regarding which, I have come to know that my daughter has been lured by Shanky son of Veda, resident Sambhali with the intention of marrying her. My daughter should be searched and legal action should be taken against the accused Shanky. Sd/- Pooja RTI, 7027445592. 8222817667, dated 17.01.2023.”

3. Learned counsel for the petitioner argues that the investigation in the case is complete & challan already stands presented. It has been further argued that the petitioner-Pankaj has not been attributed any specific incriminating role except providing of room in the hotel without taking requisite IDs. Learned counsel has also relied upon the order dated 11.01.2024 passed in CRM-M-92-2024 (*Sahil Vs. State of Haryana*), wherein a similarly placed co-accused has been granted the concession of regular bail by this Court. It is thus submitted that the petitioner be enlarged on regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner is in custody since 04.02.2023; challan has been presented for 17.03.2023 wherein total of 20 prosecution witnesses have been cited. As per the custody certificate dated 24.01.2024, the petitioner has suffered incarceration for a period of more than 11 months and is not shown to be involved in any other case. A perusal of the orders dated 22.09.2023 and 01.12.2023 passed by the learned trial Court reflect that the victim is not coming forward for recording of her testimony as a prosecution witness. Earlier bail petition filed by the petitioner before this Court was withdrawn on 04.10.2023, but the prosecutrix is not repeatedly coming forward to have her testimony recorded. The aspect of the role having been attributed to petitioner-Pankaj in the allurements as also the assault upon the prosecutrix will be gone into during the course of trial. No tangible

material/basis has been brought forward to indicate that there is likelihood of the petitioner absconding from the process of law or interfering with the prosecution evidence. In considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of totality of factual matrix of the present case, the instant 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.

25.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No