

2024:PHHC:022190

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

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CRM-M-3443-2024
Date of decision: 16.02.2024

Bhupinder

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Bhisham Kumar Majoka, 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.305 dated 26.05.2022 registered for the offences punishable under Section 363 of IPC & Section 6 of the POCSO Act, 2012, at Police Station Palla, District Faridabad.

2. The case set up in the FIR in question is as follows:-

“To the SHO Sahib, Police Station Palla, Faridabad. Sir, it requested that I am Tejveer Singh S/O Hari Singh resident of Surya Vihar Part-2, House No. 96, Street No. 6, Faridabad, I have four children. I have married my eldest daughter Chandni and my two daughters and one son are unmarried. The second daughter Devki Rani is 16 years old and the third daughter, Ekta Rani is 14 years old. On 18.05.2022 at 5 pm has gone out of the house without telling me. My elder daughter Devki Rani has gone out wearing light colored clothes,

she is fair in colour, tall and slim and the younger daughter Ekta Rani has gone out wearing a blue colored suit, whose height is tall. She is thin and has a round face. I have searched for both my daughters in my relatives and everywhere, but till now no one has been found. Kindly search for my daughters. Tejveer Singh, Tejveer Singh, son of Hari Singh, resident Bada Gaon District Bulanshar, now Surya Vihar Part-2 Faridabad MB-9718257970, MB-9354443874."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.07.2022. Learned counsel for the petitioner has further referred, *in extenso*, to the statement made by the victim (recorded as PW-2) to submit that the victim had gone with the petitioner on her own accord & had also developed physical relations with him on her own consent. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of 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 30.07.2022 whereinafter investigation was carried out & challan was presented on 16.09.2022. Total 22 prosecution witnesses have been cited and culmination of the trial will take its own time. The star prosecution witnesses i.e. the victim as also the father of the victim already stand examined as PW-2 & PW-3 respectively. The rival contentions of the learned counsel for the parties; as to whether the victim had accompanied the petitioner on her own accord and weightage required to be attached thereto; shall be gone into during the

course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of the either parties. No tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 15.02.2024 filed by the learned State counsel, the petitioner has suffered incarceration of more than 01 year and 06 months. The petitioner is a young man aged about 23 years & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial 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 learned 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.

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

February 16, 2024
poonam

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