

Sr. No.211

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

CRM-M-6040-2024
Date of decision: 09th April, 2024

SANDEEP @ DEEP**Petitioner**

versus

STATE OF HARYANA**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ramesh Chander Sharma, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.27 dated 13.02.2023, under Sections 363, 366 IPC, registered at Police Station Garhi, District Jind (Annexure P-1).
2. There are allegations against the petitioner that he has sexually assaulted the minor prosecutrix. The FIR was lodged at the instance of the father of the prosecutrix alleging that on 13.02.2023, when he woke up in the morning, the prosecutrix was missing from home.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner is in custody since 24.02.2023. The statement of the prosecutrix has already been recorded. The petitioner is ready to face the trial.
4. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

4.1 Learned State counsel has filed status report by way of affidavit of Sh. Amit Bhatia, HPS, Deputy Superintendent of Police, Narwana, District Jind, on behalf of respondent-State of Haryana along with the marksheet of secondary examination of the prosecutrix (Annexure R-1), which are taken on record.

4.2 Custody certificate of petitioner Sandeep @ Deep dated 08.04.2024 has also been filed by the learned State counsel, reflecting the period of custody of the petitioner as 01 year 01 month and 15 days.

5. I have considered the aforesaid contentions and perused the paper book.

6. As per the FIR, the age of the prosecutrix is 18 years. However, the prosecution has relied upon the marksheet of the secondary examination of the prosecutrix, according to which, the date of birth of the prosecutrix is 29.08.2005, as such, the age of the prosecutrix is debatable. As per the status report, in the statement of the prosecutrix recorded under Section 164 Cr.P.C., she has stated that on 12.02.2023, she along with the present petitioner had gone to Mumbai and they had come back from Mumbai on 22.02.2023. No wrong act has been committed with her and they stayed at the house of a friend of the petitioner namely Aman.

7. It has also been confirmed that the final report/challan under Section 173 Cr.P.C. has been presented before the trial Court and out of total 17 prosecution witnesses, 04 witnesses including the complainant and the prosecutrix, have already been examined. Copy of the FSL Report dated 24.03.2023 received from Regional Forensic Science Laboratory, Sunaria, Rohtak, has been submitted in the Court, which is taken on record. As per the FSL Report, human semen was not detected except from the clothes of the accused/ petitioner.

8. In view of the aforesaid facts and circumstances of the case and

conclusion of trial is likely to take some time. There is no apprehension of absconding of the petitioner. No purpose would be served by keeping the petitioner in custody during the trial, as such, the present petition is allowed.

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

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

(HARPREET KAUR JEEWAN)
JUDGE

09th April, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No