

CRM-15179-2024 in/and
CRM-M-6097-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108+225) CRM-15179-2024 in/and
CRM-M-6097-2024
Date of Decision:- 09.04.2024

Vikas and Anr.Petitioners

Versus

State of HaryanaRespondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sudhir Hooda, Advocate for the petitioner.
Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

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This is an application for placing on record the copy of statement of complainant dated 13.02.2024.

For the reasons mentioned in the application, the same is allowed. Annexure P-3 is taken on record.

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1. Prayer is for grant of regular bail to the petitioner in case FIR No.321 dated 07.06.2023, under Sections 323, 34, 377, 506 of IPC (Section 4 of POCSO Act, 2012 deleted later on), registered at Police Station Industrial

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Sector 29, Panipat, District Panipat.

2. In compliance of the order dated 01.04.2024, the petitioner has placed on record the testimony of the complainant, who is the father of the boy who has turned hostile, however, as per the status report filed by the State, it was submitted that the father of the victim supported the case of prosecution.

The FSL report is already on record.

3. Custody certificate filed by learned State counsel is taken on record.

4. Learned State counsel has vehemently opposed the concession of bail to the petitioner but could not deny that all the material witnesses have already been examined.

5. Heard learned counsel for the parties.

6. In light of the above and considering the fact that the petitioner is in custody for the last 09 months and 29 days and the trial is likely to take a long time, hence, no useful purpose would be served by keeping the petitioner in custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

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- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.
11. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

April 09, 2024
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No