

2024:PHHC:044517

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M-8704-2024 (O&M)
Date of decision: 03.04.2024

Pankaj

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anirudh Kush, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

CRM-7542-2024

Application is allowed as prayed for.

CRM-M-8704-2024

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.447 dated 14.08.2023 registered for the offences punishable under Sections 18 & 4 of the Prevention of Children from Sexual Offences Act, 2012 and Sections 342 & 506 of Indian Penal Code, 1860 at Police Station Pinjore, District Panchkula.

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

“That today 14.08.2023 I, ASI is present in the Police station, a complaint No. 57-MHD dated 14.08.2023 of Vikram Singh son of Shri Jahaaj Singh, resident of Near Sita Ram Mandir, Pinjore, Panchkula was received by me for investigation, which is as follows:- To The SHO, PS Pinjore, Panchkula. Sir, It is stated that I, Vikram Singh son of Shri Jahaaj Singh, residing Near Sita

Ram Mandir, Pinjore from the last Five years. I have two children including my daughter Manpreet aged 15 years.

Today her friend Nanki had taken my daughter to celebrate her sister's birthday. When my daughter came back home then she told to my wife that in the rented house of Nanki one another tenant tried to rape Manpreet by locking her in a room, or tried. And threatened my daughter to kill her. My daughter can recognized man if he comes forward. Legal action be taken against that man. I shall be thankful to you. Applicant Vikram Singh 7495054480..”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 03.12.2023. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated in the case in hand on account of a parking dispute between the petitioner and the family of the victim who live in the same vicinity. Learned counsel has further submitted that the TIP (Test Identification Parade) in question has been wrongly conducted as the same has been undertaken only on whatsapp and that also by showing only one photograph. Thus, regular bail is prayed for.

4. Reply by way of affidavit of Sh. Joginder Sharma, HPS, Assistant Commissioner of Police, Panchkula, has been filed in Court today. The same be kept on record.

5. 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.

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

7. The petitioner was arrested on 03.12.2023 whereinafter investigation was carried out & challan was presented on 18.01.2024. Total 12 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; regarding the false implication of the petitioner as also the TIP in question having been carried out on whatsapp; 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. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 02.04.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 04 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

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

9. 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.

10. Ordered accordingly.

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

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

(SUMEET GOEL)
JUDGE

April 03, 2024
poonam

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