

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232

CRM-M-9016-2024 (O&M)

Date of decision: 16.04.2024

Sajjan Soni @ Sajjan Singh

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Chakitan V.S. Papta, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J. (Oral)

CRM-15862-2024

For the reasons stated in the application and in view of submission made by learned counsel for the applicant-petitioner, the application in hand is allowed as prayed for, subject to just exceptions. Document appended as Annexure P-6 is taken on record. Registry is directed to tag the same at the appropriate place.

CRM-M-9016-2024

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.312 dated 01.10.2023, registered for the offences punishable under Sections 354, 354-D, 366-A, 506, 511 of IPC and Section 8 of POSCO Act, 2012 at Police Station Kalayat, District Kaithal, Haryana .
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“It is a requested that Nakli son of Rania is the resident of village Batta Badi Aal Patti, district Kaithal. I was having a son whose name was Balbir, who has died. My son Balbir is having three daughters and one son. My elder granddaughter namely Neelam aged about 16 years who is

10th class who had left passed, her studies after 10th class. My granddaughter Neelam had gone along with her mother to the fields to get fodder for cattles and when she was returning back after passing nearby fodder and getting the bus stand, then one was boy namely Sajjan Soni son of Ramphal resident of village Baalu molested my granddaughter and tried to force her to sit in the bus. Some people of the village present at the spot protested against this. When my granddaughter returned back home, she told me everything. Meanwhile, after some time, that boy followed my granddaughter Neelam to our house. In order to forcefully marry my granddaughter, he asked her to leave the house and started threatening to kill my granddaughter and my grandson if she did not agree. When we tried to catch that boy, he ran away after seeing people gathering nearby. This above mentioned boy earlier also committed these kinds of acts and has apologized for this act in the Panchayat. Therefore, it is requested before your good self that strictest legal action be taken against the above mentioned accused.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.10.2023. Learned counsel has referred, *in extenso*, to the testimony of the victim (recorded as PW-1) to argue that the prime prosecution witness i.e. the victim has turned hostile and hence in, all likelihood, the trial is not likely to culminate into conviction of the petitioner. Learned counsel has further argued that the victim has refused to undergo medical examination. In this view of the matter, learned counsel has prayed for grant of 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. Learned State counsel seeks to place on record custody certificate dated 15.04.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 02.10.2023 whereinafter investigation was carried out and challan stands presented on 01.12.2023. Total 16 prosecution witnesses have been cited out of which only 01 witness i.e. the victim stands recorded as PW-1. The culmination of the trial will take its own time. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the testimony of the hostile witness i.e. PW-1 (victim); 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 trial. 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 custody certificate dated 15.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 06 months & he is not shown to be involved presently 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 case.

7. In view of above, the present 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/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

April 16, 2024
Ajay

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