

212

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-9842-2024

Date of decision: 4<sup>th</sup> April, 2024

Sandeep

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunil Duggal, Advocate for the petitioner.  
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.  
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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.  
seeking regular bail in FIR mentioned below:-

| FIR No. | Date       | Police Station               | Sections                                                                                       |
|---------|------------|------------------------------|------------------------------------------------------------------------------------------------|
| 222     | 03.07.2023 | Civil Line, District Sonipat | 323, 354 and 376 of Indian Penal Code, 1860 (for short 'IPC') and Section 6 of POCSO Act, 2012 |

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant 'S' (name withheld) alleging therein that her elder daughter 'P' (name withheld) had performed love marriage with the present petitioner about three months back. On 02.07.2023, the victim who is her younger daughter aged about fifteen years had told her that the petitioner had molested her and sexually harassed her and had also asked her to hold his private part. She prayed for taking action against the petitioner.

After registration of the FIR, investigation proceedings were initiated. The

statement of the victim was recorded under Section 164 of Cr.P.C.. She was also medically examined. The petitioner was arrested on 05.07.2023. After completion of necessary investigation and usual formalities, challan stands presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had filed an application for grant of regular bail before the learned trial Court which was dismissed on 19.01.2024.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in this case. The victim, as well as other material witnesses of the case i.e. her mother and sister who is wife of the present petitioner have since been examined before the learned trial Court and neither of them have supported the version of the prosecution. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is therefore, argued that the petitioner deserves to be given concession of bail.

4. *Per contra*, learned State counsel has argued that the allegations levelled against the petitioner are serious in nature and hence he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner has placed on record Annexures P-2 to P-4 which are copies of statements recorded by the victim, her elder sister i.e. wife of

the present petitioner as well as complainant i.e. her mother. A perusal of the same reveals that neither of these three witnesses have implicated the petitioner in commission of the offences for which he is facing trial before the learned trial Court. All of them are shown to have stated that since a quarrel had taken place between the petitioner and his wife i.e. PW-2, therefore, the complainant who is a police official had lodged FIR of this case as against them. All these witnesses are shown to have resiled from their respective statements as recorded during the course of investigation and have turned hostile. No incriminating evidence could be extracted from their statements by the learned public prosecutor, despite the fact that they have been cross-examined at length by him. Keeping in view the period of incarceration of the petitioner, the nature of the evidence that has come on record and the attendant facts and circumstances of the case, I am of the considered opinion that it is a fit case for granting benefit of bail to the petitioner. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

4<sup>th</sup> April, 2024

Parveen Sharma

1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes