

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-11051-2024

Date of Decision: 06.03.2024

Rajat

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Surinder Dagar, DAG, Haryana.

Mr. Dinesh Saini, Advocate
for respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

Power of attorney filed on behalf of respondent
No.2/complainant in Court today, is taken on record.

The petitioner has filed the present 1st petition under Section
439 of the Code of Criminal Procedure, 1973, for grant of regular bail in
case FIR No. 204 dated 20.03.2023 registered under Section 6 of the
Protection of Children from Sexual Offences Act, 2012 at Police Station
Indri, Karnal (Annexure P-1).

The present FIR has been registered on the basis of statement
of complainant/mother of the victim, which reads as under:-

*“To,
SHO Sahab
Police Station Indri Karnal,
Sir it is requested that I am Meena Devi wife of Shri Neetu is
resident of Dabkoli Khurd, bad act has been committed with
my daughter Deepa Devi, her age is 17 years and is minor,*

bad act has been done by Rajat son of Vinod resident of Dabkoli, Ajay son of Salinder was also with him, these two found with girl, it is requested that strict action be taken against them."

Learned counsel for the petitioner, *inter alia*, submits that the victim at the time of incident was 17 years of age. It is submitted that false case has been registered against the petitioner at the behest of the uncle of the victim. Learned counsel refers to the statement made by the victim under Section 164 Cr.P.C. on 21.03.2023 (Annexure P-2) wherein she has not supported the prosecution case and has categorically stated that no wrong act was committed with her and that her uncle had beaten her and she did not want to take any action against the petitioner. He also refers to the affidavit dated 22.02.2024 (Annexure P-3) of the complainant wherein the above said facts are reiterated. The petitioner has been in custody since 03.04.2023. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for respondent No.2/complainant does not dispute the above said facts.

Learned counsel for the State files custody certificate dated 04.03.2024 which is taken on record. He also submits that in her statement recorded under Section 161 Cr.P.C. which was recorded on 21.03.2023 itself i.e. on the same date on which the statement under Section 164 Cr.P.C. was recorded, she has supported the prosecution case and has made specific allegations against the petitioner. It is further submitted that there is no medical evidence on record as the victim

refused to undergo medico-legal examination. He further informs that charges have been framed; however, no witness has been examined, so far.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case and the custody period of 11 months and 1 day undergone by the petitioner as an undertrial; and that no witness has been examined so far, therefore, conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Rajat S/o Vinod, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

06.03.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No