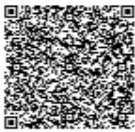


219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:098291



CRM-M-10835-2024 (O&M)
DATE OF DECISION : 01.08.2024

RAJU ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Madhur Singh, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, DAG Haryana.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No. 156 dated 17.04.2023 under Sections 363, 366-A, 376(2)(n) IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station City Kaithal
2. Custody certificate dated 31.07.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner is in custody since 27.04.2023.
3. Learned counsel for the petitioner contends that the prosecutrix has not stated anything incriminating against the petitioner in her statement recorded under Section 164 Cr.P.C. on 25.04.2023. She is alleged to be 17 years of age at the time of alleged occurrence.

4. Learned State counsel has confirmed that the statement of the prosecutrix has now been recorded during the trial.

5. I have considered the aforesaid contentions and perused the paper book.

6. The investigation is complete and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The statement of the prosecutrix has already been recorded. There is no apprehension of tampering with the prosecution evidence. 10 out of total 15 prosecution witnesses have been examined. Petitioner is in custody for a long time as per the custody certificate. He is in custody for a period of 01 year, 03 months and 05 days. The conclusion of trial is going to take time.

7. In view of the above, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

01.08.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE