



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-13495-2024 (O&M)
Date of decision: 17.07.2024

KULDEEP @ RAMAN

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunil Sihag, Advocate with
Mr. S.S. Nain, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.262 dated 27.06.2023 (Annexure P-1) under Sections 376(2)(n), 328, 354-C, 366, 506, 120-B, 509 IPC, Sections 6 and 12 of the POCSO Act, 2012 and Section 67-A of the Information Technology Act, 2000 registered at Police Station Matlauda, District Panipat.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. Notice was ordered to be issued to respondent No.2 vide order dated 03.04.2024 passed by this Court. As per office report, service of notice upon respondent No.2 has been effected, despite that no one has put in appearance on behalf of respondent No.2.



5. Custody certificate dated 16.07.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 07 months and 02 days of actual custody.

6. Short reply by way of an affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police, HQ, Panipat has been filed on behalf of the respondent-State, which is taken on record. Copy of the same has already been furnished to learned counsel for the petitioner.

7. As per the prosecution case, the FIR was registered at the instance of the mother of the victim against the petitioner and his co-accused. There are allegations that the petitioner had pressurized the minor-victim for developing physical relationship with him and when the minor-victim had refused to do so, the petitioner had sent a video to her and also threatened to kill her.

8. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 14.12.2023. He further contends that there are no allegations of sexual abuse against the petitioner. He submits that even after presentation of the final report under Section 173 Cr.P.C. before the trial Court, charges have been framed under Section 67-A of the Information Technology Act, 2000 by the Fast Track Court, Panipat vide order dated 28.02.2024 (Annexure P-2). The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

9. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. While referring to the short reply filed on behalf of the respondent-State, learned State counsel has informed that the allegations upon the petitioner is not of meeting her



(prosecutrix). He has informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed against the petitioner. There are total 23 prosecution witnesses and only 1 witness has been examined so far. As per the custody certificate, there is no history of other cases against the petitioner.

10. I have considered the aforesaid contentions and perused the paper-book.

11. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. As per the custody certificate, there is no history of other cases against the petitioner. The petitioner is in custody for 07 months and 02 days. Only 1 witness has been examined till date out of total 23 prosecution witnesses, as such trial will take some time to conclude.

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

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

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

(HARPREET KAUR JEEWAN)
JUDGE

17.07.2024
P.Bhatt

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