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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-14087-2024
Date of decision : 08.05.2024

Ajay Petitioner
versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajinder Singh Bajwa, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

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.103 dated 04.05.2023, registered for the offences punishable under Sections 377, 506 and 34 of IPC (Sections 17 and 4 of POCSO Act and Section 67-C of Information Technology Act, 2000 has been added later on) at Police Station Lakhan Majra, District Rohtak.
2. As per the contents of the FIR, it has been alleged as under:-

“To The SHO Sahab, Police Station Lakhan Majra. Sir, It is requested that I Bali son of Jagdish is the permanent resident of Village Indergarh. I have two sons. Elder son Arun Kumar who is about 15 years of age. That about 15-16 days ago, Ajay Bon of Sanjay alias Laddi have committed bad act

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with my Bon and alongwith him Robin son of Sushil, Rahul son of Jaggi, Sunny son of Surender, Sagar son of Mukesh, Akshay son of Rakesh were also standing there and Sunny son of Surender of Village Moth, District Hansi was recording video when the boy was committing bad act with him. The said incident has been disclosed by my son today, while in fear and stated that if I disclose the same to anyone, then I should be killed. It is humbly request to take legal action against all of them.”

3. Custody certificate has been produced. The same is taken on record. As per the same, the petitioner has undergone incarceration for more than 01 year and 01 day and has no prior antecedents.
4. Counsel for the petitioner submits that it is a case where there is no medical evidence and the victim as well as the complainant i.e. father of the victim both have been examined but none has supported the case of the prosecution.
5. Learned State counsel is not in a position to dispute the aforesaid fact that both the victim and the complainant have resiled from their version as given in the FIR.
6. Without commenting further on the merits of the case and keeping in view the incarceration suffered by the petitioner, 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. Trial Court/Duty Magistrate, concerned.

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7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No