

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-15026-2024

Date of decision:24.04.2024

Deepak

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kartar Singh Malik-I, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, 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.0939 dated 17.12.2023, registered for the offences punishable under Section 365 of IPC and Sections 363, 366 and 506 of IPC (added later on) at Police Station Rohtak City, District Rohtak, Haryana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, SHO Sahib, Police Station City Rohtak Respected sir, it is submitted that I Sunita wife of Naresh is a resident of Kutana Basti, Gaddi Khedi. My daughter's name is Sunny, who is a minor, her age is 16 years. On dated 16.12.23 at about 10.00 pm, she went from my room to her elder sister Madhu's room and slept and when we woke up in the morning, she was not there. The complexion of that girl is whitish, her height is 5.2 feet, she is wearing a blue coat and slippers, so please search for our daughter Sunny. We do not want this incident to be publicized and broadcasted. Please take action on this incident. It will be so kind of you. Thank you Sd/ Sunita Applicant Sunita Address Kutana Basti, Gaddi Khedi, Rohtak M.N. 9050626113”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.12.2023. Learned counsel has further referred to the

statement made by the victim under Section 164 of Cr.P.C. made before the JMIC, Rohtak on 28.12.2023 to argue that no inculpatory statement has been made by the victim against the petitioner. It has been further argued that the victim has refused to undergo the medical examination. Learned counsel has further argued that petitioner is a young man aged about 22 years of age. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.04.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 28.12.2023 whereinafter investigation was carried out and challan stands presented on 02.03.2024. Total 11 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the statement made by the victim on 28.12.2023 under Section 164 of Cr.P.C.; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 04 months & is not shown to be involved

in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, 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. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 24, 2024
Ajay

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