

CRM-M-15295-2024 -1-

214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15295-2024
Date of decision: 4th April, 2024

Farukh ...Petitioner(s)
Versus
State of Haryana ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ketan Antil, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
337	26.06.2023	Sector 27, Sonepat, District Sonepat, Haryana	10 and 12 of POCSO Act, 2012 and Sections 148, 149, 323, 325, 307, 354-A, 354-D and 506 of Indian Penal Code, 1860 (for short 'IPC') (Section 10 of POCSO Act and Sections 307 and 325 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 26.06.2023, the complainant lodged the aforementioned FIR by alleging that on 25.06.2023, the engagement ceremony of his daughter 'P' (name withheld) was going on, when his would

be son-in-law showed him some messages sent by the accused Sohil and Shahid. On asking the victim she told her father that the above named persons had been sexually harassing her and they had also extended threats to kill the minor son of the complainant. He further alleged that on coming to know about this fact, on the same day, he was going towards the house of the above named Sohil and Shahid and when he reached near the Mosque, accused Sohil and Shahid along with 15-20 persons had intercepted the complainant, had extended beatings to him and had also pelted stones upon them. After registration of FIR, investigation proceedings were initiated. It was found that the accused Sohil and Shahid had sent wrong messages to the would be son-in-law of the complainant due to which engagement of his daughter was cancelled and subsequently, it was the present petitioner and the co-accused who were called by accused Shahid and who had pelted stones upon the complainant and his family members and had extended threat of life to them. The accused Sohil was arrested and suffered disclosure statement on the basis of which the petitioner was also arrested in this case. After completion of necessary investigation and usual formalities, challan has been presented in the Court. The petitioner had moved four bail applications for grant of regular bail but the same had been dismissed by the Court of Ld. ASJ, Sonipat.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody since 24.07.2023. He was neither named in the FIR nor any specific act had been

attributed to him. He was nominated as an accused, only on the basis of disclosure statement of the co-accused which is not admissible in evidence. The co-accused has since been extended benefit of regular bail and on the ground of parity, he also deserves to be released on bail. Trial is likely to take time. With these broad submissions, it is urged that petition deserves to be allowed.

4. Custody certificate filed by learned State counsel is taken on record. As per the same, petitioner remained in custody for a period of eight months and eleven days. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. There are chances of his intimidating the witnesses, if, extended benefit of bail. Therefore, it is urged that the petitioner does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. On a perusal of the allegations as levelled in the FIR, it is apparent that the present petitioner had not been named in the FIR and it is only on the basis of disclosure statement of the co-accused that he was arrested and challaned in this case. No specific overt act has been attributed to the present petitioner and there are allegations that a group of young boys pelted stones on the complainant and his son on the fateful day. The allegations qua commission of offences punishable under the provisions of Section 12 of the POCSO Act and Sections 354-A and 354-D are not made

out against the present petitioner. The co-accused Popin and Shahrukh whose case is on similar footing have since been extended benefit of bail. Taking all these facts and circumstances of the case into consideration, in my opinion, it is a fit case for extending benefit of bail to the petitioner. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th April, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No