

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-15372-2024 (O&M)

Date of Decision: 04.04.2024

Harsh @ Harsh Jangra

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

CRM-13582-2024

Application is allowed, as prayed for.

CRM-M-15372-2024

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 276 dated 11.10.2023 (Annexure P-1) registered under Sections 376(3) and 384 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 [Section 376(3) IPC was deleted later on and Sections 120-B, 376(2)(n), 376D and 506 IPC were added later on] at Police Station Cheeka, District Kaithal.

The aforesaid FIR was registered on the basis of complaint moved by the complainant/mother of the alleged victim, which is reproduced as under:-

“...A copy of the complaint is such that-Respected SHO Sir Police Station Cheeka, it is requested that I Gurpreet Kaur wife of Mahinder Pal am resident of village Peedal. My daughter Sarita minor in age. That Saurav son of Billa Ram is a resident of village peedal has got by daughter stuck in love web and has taken Rs 12 lakhs from my daughter. He has been troubling my daughter since quite a while. Many a times he has influenced her and taken her to hotels many times and has done wrong acts with her. By pressurizing my daughter he kept on taking money from her. We had taken money from our relatives so that we can buy land and we had kept this money at our house. After threatening her he has taken this money as well. When we looked for the money we saw it lost. When we sweetly asked our girl she looked disturbed. She told us everything. He threatens to kill my daughter. He has ruined the life of our daughter. It is requested to Sir that legal proceedings be initiated against him. We will be highly obliged....”

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was not named in the FIR, and his name has come into picture in the statements of the victim dated 12.10.2023 recorded under Sections 164 and 161 Cr.P.C. (Annexures P-2 and P-6, respectively), in which the only role attributed to the petitioner is that he had dropped the main accused-Saurav to Dream Land Hotel, Cheeka, where the victim had gone with the main accused. It has not been alleged that the petitioner had touched the girl/victim in any manner let alone committed any offence under Section 376 IPC. In this regard, learned counsel for the petitioner also refers to the statement of the owner of the aforesaid hotel dated 12.10.2023 (Annexure P-4) recorded under Section 161 Cr.P.C., wherein he has admitted that as per CCTV Footage, petitioner can be seen dropping the main accused outside the Hotel. Statement of owner of the Hotel (Annexure P-4) is reproduced below:-

“States that I am a resident of the above mentioned address and at Jagdish Market Kaithal Road cheeka I run Hotel dream Land. On 6,9.10.2023 when Saurav and Sarita came to my hotel they gave Adhar card of Saurav and Jashan

Kaur and at that time I did not know that that girl is Sarita. Once you have come only then have I realised that she has given wrong ID I have given the CCTV footage with respect to the case of date 6.10.2023 and 9.10.2023 in silver colour pen drive of brand Consistent of 32 GB and along with that I have also given my Certificate of section 65b of Indian Evidence act In the pen drive footage Harsh and Rohit are seen dropping Saurav and Sarita in car HR 09 5973 outside Dream Land Hotel and I have also produced copy of 3 pages of record register of my hotel where Saurav and Sarita have done entry which the police have taken in their record and prepared memo on which I have appended signature I have read my statement it is alright.”

(emphasis supplied)

Moreover, it is further submitted that the petitioner is an 18-year-old boy and there is no other case against him. It is stated that the main accused-Saurav has not yet been arrested; whereas the petitioner has been arrested in the present case 50 days after the registration of the FIR. The petitioner has been in custody since 28.11.2023. The trial is likely to take a long time. No useful purpose will be served by further detention of the petitioner in custody. Marriage of the sister of the petitioner has been fixed for 09.04.2024, as is evident from Annexure P-8, which is the wedding card of the sister of the petitioner. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State has filed custody certificate dated 03.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 04 months and 05 days. As per custody certificate, there is no other case against the petitioner. Learned counsel for the State informs that charges are yet to be framed in the matter.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality

of the facts and circumstances of the case, including the custody period undergone by the petitioner and perusal of the custody certificate reveals that there is no other case against the petitioner; and also the fact that marriage of the sister of the petitioner is fixed for 09.04.2024 as is evident from wedding card (Annexure P-8); and that the conclusion of trial will take considerable time; and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed.**

The petitioner-Harsh @ Harsh Jangra S/o Sat Pal is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

04.04.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No