



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-16756-2024 (O&M)

Date of decision: 03.09.2024

ROHIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

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.340 dated 14.07.2022 under Sections 363, 366-A, 376, 506, 120-B IPC and Sections 4 and 21 of the POCSO Act, 2012 registered at Police Station Model Town, Rewari, District Rewari.
2. Custody certificate dated 31.08.2024 has been filed on behalf of the respondent-State, which is taken on record.
3. As per the prosecution case, the FIR was registered at the instance of the father of the victim, who had alleged that on 14.07.2022, at about 7.30 am, his daughter had gone to Rewari to attend her coaching class. On the same day, when the victim was coming back to home, the petitioner along with his co-accused had forcibly taken her on a bike to a secluded place. Thereafter, the petitioner had



committed rape upon the victim and also taken her objectionable photographs.

The petitioner had threatened the victim to make her photographs viral on social media and also threatened to kill her. On the basis of these allegations, the present FIR was registered.

4. Learned Senior counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody for more than 2 years. He further contends that as per the school certificate (Annexure R-3), the age of the victim was 17 years and 10 months at the time of the alleged occurrence. Pointing to the testimony of the victim, learned Senior counsel submits that while going to and coming back to the hotel, the victim had admittedly covered her face and there was a distance, which was travelled in 20 to 30 minutes on a motor-cycle.

5. Learned Senior counsel for the petitioner further submits that the victim was just 2 months less than 18 years at the time of the alleged occurrence, though the age of the victim is still disputed. However, the prosecutrix appears to have gone with her consent. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. 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.

6. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State counsel has informed that the victim has supported the prosecution case and medical evidence is against the petitioner. Learned State counsel has also informed that one witness i.e the victim has been examined and 17 witnesses are yet to be examined.



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7. I have heard the learned counsel for the parties and perused the relevant documents.
8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The evaluation of evidence on record is a matter of trial. As per the custody certificate, there is no history of other case against the petitioner. The petitioner is in custody for 02 years 01 month and 17 days.
9. Keeping in view the custody period of the petitioner, which is more than 2 years and considering the fact that only 1 witness, out of 18 witnesses, has been examined and conclusion of trial is going to take time, as such, the petitioner cannot be kept behind the bars for an indefinite period as an under-trial.
10. 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 and further subject to that the petitioner shall furnish an affidavit before the trial giving undertaking not visit the village, where the prosecutrix is residing and would not influence the prosecution witnesses.
11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03.09.2024
P.Bhatt

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