

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-19956 of 2024
DATE OF DECISION :- 26.04.2024

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nirmal Singh, 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.69 dated 22.02.2022, registered for the offence punishable under Sections 346 IPC (Sections 376(2)(n), 306 IPC added lateron) at Police Station Hansi Sadar, District Hisar
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, the Incharge, Police Post, Bhatla, Sir, It is requested that I am Rajendra, son of Banarasi, resident of village Ghiraye, District Hisar and work as a laborer. My daughter Reena, age is 17 years old. Who studies in class 10th. She went away from home without informing, on 21.02.2022 at around 4.00 pm. Which we have searched her in the entire family and relatives. We could not found my daughter Reena anywhere. I request you to find my minor girl Reena as soon as possible and hand her over to us. My daughter Reena's photo and copy of Aadhar

card are attached. Whose appearance is as follows: dark complexion, height 4 feet 1 inch, blue colored suit, blue salwar, blue coat and was wearing slippers on her feet. My daughter should be searched.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.05.2022. Learned counsel for the petitioner has further argued that the offence under Section 306 of IPC is not made out against the petitioner in the factual matrix of the case in hand. Learned counsel for the petitioner has further referred, in extenso, to the testimony of the complainant (father of the deceased/victim) made as PW2; to argue that the prime/material private witness has turned hostile and hence the trial is not likely to conclude into conviction. 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 25.04.2024 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 14.05.2022 whereinafter investigation was carried out and challan stands presented on 10.08.2022. Total 28 prosecution witnesses have been cited out of which 07 have been examined & culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the offence of Section 306 of the IPC is made out in factual matrix of the case as also the weightage required to be attached to the testimony of the hostile witness i.e.

PW2 (complainant/father of the deceased); 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 the custody certificate dated 25.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for about 1 year 11 months and 10 days & is not shown to be involved in any other case. In this view of the matter, learned counsel has prayed for grant of regular bail.

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

26.04.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No