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

CRM-M-18928-2024 (O&M)

Date of decision : 11.09.2024

Rohit

... Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Makkar, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. AG Haryana for the respondent.

ALKA SARIN, J. (ORAL)

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.277 dated 24.08.2022 under Section 346 of the Indian Penal Code, 1860 (Sections 120-B, 376(2)(n), 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on) registered at Police Station Badli, District Jhajjar.

2. The first petition being CRM-M-51337-2023 filed by the petitioner was dismissed as withdrawn vide order dated 14.12.2023.

3. Learned counsel for the petitioner would contend that the prosecutrix was 17 years of age and that she had gone with the petitioner on her own accord. Learned counsel would further refer to the contents of the FIR wherein a missing person report was lodged by her mother wherein she stated that she suspected that either her daughter had gone away on her own freewill or was hidden by someone. The prosecutrix was recovered after a

period of three months. Learned counsel would further contend that the DNA Report has also not matched. It is further the contention that all material witnesses stand examined and the petitioner has already been in custody for a period of 01 year 08 months and 06 days and that there is no other case pending against the petitioner.

4. *Per contra* learned State counsel has referred to the status report to contend that the prosecutrix has fully supported the version of the prosecution. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 01 year 08 months and 06 days.

5. Heard.

6. In the present case, initially the FIR was lodged by the complainant i.e. the mother of the prosecutrix, who stated that the prosecutrix may have left on her own accord or was hidden by someone. Subsequently, the prosecutrix was recovered after 3-4 months. The DNA Report has been received which is not matched with the profile of the petitioner herein. Material witnesses all stand examined. The petitioner has been in custody for a period of 01 year 08 months and 06 days. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and keeping in view the long custody period and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his

furnishing bail bonds with heavy surety to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

11.09.2024
Ankur

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO