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

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Date of Decision : July 03, 2024

SUNIL @ SUNNY

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Tanwar, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)**CRM-17185-2024**

1. As prayed for, the instant application is **allowed**. The learned counsel for the petitioner is granted leave to file the present petition, without Roll of Advocate Number.

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2. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.103 dated 04.05.2023, under Sections 377, 506, 34 of the IPC, and, Section 67(c) of the I.T. Act, and, Sections 4 and 17 of the POCSO Act, 2012, registered at P.S. Lakhan Majra, Rohtak, District Rohtak.

3. Succinctly stated, the allegations levelled in the present FIR are that, accused Ajay committed carnal intercourse with the victim (aged about 15 years), while the petitioner along with his co-accused, namely, Rahul, Sagar, Robin and Akshay were standing there. The petitioner is alleged to have recorded

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a video of this occurrence.

4. The learned counsel for the petitioner, in his craving for the relief of regular bail to the petitioner, makes huge dependence upon the depositions of the victim and his father (complainant), as recorded before the learned trial Court concerned, inasmuch as, therein they have not supported the case of the prosecution, rather have turned hostile.

5. The learned counsel for the petitioner further submits that, although it is a case where there is no medical evidence, however, even if the allegations are taken to be a gospel truth, yet the only allegation against petitioner is that he recorded a video of the alleged occurrence. Moreover, the petitioner's co-accused Rahul, Robin and Ajay have already been granted the concession of regular bail by this Court.

6. The learned State counsel is not in a position to dispute the aforesaid fact that both the victim and his father (complainant) have resiled from their version(s) as given in the FIR.

7. The custody certificate of the petitioner, as available on record, reveals that the petitioner has suffered incarceration of approx. 10 months and 08 days till 26.04.2024 and he has clean antecedents.

8. In view of the above, especially: (i) the victim and the complainant making exculpatory depositions in respect of the petitioner and his co-accused; (ii) the period of incarceration suffered by the petitioner; and (iii) the clean past antecedents of the petitioner; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond



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and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 03, 2024
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(KULDEEP TIWARI)
JUDGE

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