



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219+109

CRM-M-22152-2024 (O&M)
Date of Decision: 17.12.2024

AMJAD

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parveen Sharma, 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.412 dated 05.10.2020 (Annexure P-1) under Section 6 of the POCSO Act, 2012 and Sections 120-B, 34, 342, 376D(A), 506 IPC (Sections 376D(A), 506, 342, 34 IPC deleted later on), registered at Police Station Indri, District Karnal.
2. Custody certificate dated 14.12.2024 filed on behalf of the respondent-State is taken on record. As per the custody certificate, the petitioner has undergone 04 years, 01 month and 28 days of actual custody.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is in custody since 16.10.2020. He further contends that the prosecutrix in her statement recorded under Section 164 Cr.P.C. (Annexure R-2) has stated that she was having a love



affair with the petitioner for the last 7 months. He submits that investigation is complete and final report under Section 173 Cr.P.C. has already been presented before the trial Court.

4. Learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner.

5. I have heard learned counsel for the parties and have also gone through the paper-book, as well as the status report, carefully.

6. The case was registered at the instance of the father of the prosecutrix with the allegations that the petitioner had violated his daughter, who is aged about 16 years. The petitioner along with his co-accused used to blackmail the prosecutrix. However, the co-accused of the petitioner, namely, Haffiz and Jamshed were found innocent during the investigation. During the investigation, the medical examination of the prosecutrix was conducted and her statement under Section 164 Cr.P.C. was also recorded.

7. The investigation is already complete. The final report (*'challan'*) under Section 173 Cr.P.C. has already been presented before the trial Court. There is no history of other case registered against the petitioner. The statement of the prosecutrix has already been recorded during the trial. There are total 14 witnesses and only 06 witnesses have been examined, as such, the conclusion of the trial is going to take time.

8. Keeping in view the total custody of the petitioner, which is about 04 years 01 month and 28 days, he cannot be kept in custody for an indefinite period during the trial. As such, the present 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 concerned.



9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case and this order has been passed merely considering the long custody of the petitioner as an undertrial.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17.12.2024
P.Bhatt

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