



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-22465-2024 (O&M)
Date of decision: 20.08.2024

SANDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ajit Sihag, 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.0199 dated 21.07.2023 under Sections 363, 366-A IPC (Section 376(2)(n) IPC and Section 6 of the POCSO Act, 2012 added later on) registered at Police Station Bass, District Hansi.
2. Custody certificate dated 18.08.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year and 14 days of actual custody.
3. Reply by way of an affidavit of Raj Singh, HPS, Deputy Superintendent of Police, Narnaund, District Hisar along with statement of the



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victim under Section 164 Cr.P.C. (Annexure R-1), copy of MLR of the victim (Annexure R-2), statement of victim under Section 161 Cr.P.C. (Annexure R-3), disclosure statement of the accused (Annexure R-4), birth certificate of the victim (Annexure R-5), report RFSL, Hisar (Annexure R-6) and custody certificate (Annexure R-7) filed on behalf of the respondent-State are taken on record.

4. As per the prosecution case, the FIR was registered at the instance of the father of the prosecutrix with the allegations that on 25.06.2023, the victim had gone to Hansi for bringing some articles but did not return back home. It is mentioned in the FIR that the father of the prosecutrix had expressed that victim might have been allured by the petitioner as earlier also the victim was allured by the petitioner and she was recovered after 2 days.

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 05.08.2023. He further contends that the FIR was registered after more than 20 days of the missing of the prosecutrix. The statement of the prosecutrix under Section 164 Cr.P.C. (Annexure P-2) has already been recorded. Investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. 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. As per the custody certificate, there is no history of other cases against the petitioner. As per the status report, during the course of the investigation, the victim was recovered on 02.08.2023 from a place near Rampura Flyover, Manesar, District Gurugram.



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7. I have considered the aforesaid contentions and perused the paper-book.

8. The victim was 17 years and 8 months of age at the time of the alleged occurrence as she has got recorded her age as 17 years and 10 months in her statement recorded under Section 164 Cr.P.C. (Annexure R-1). Even in the said statement, the victim has not levelled any allegations against the petitioner except the following:

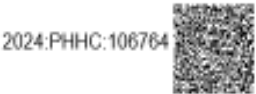
‘I had gone from the house on 25th June, 2023 because my parents wanted to remarry me. I was not ready to marry because I was minor. So, I left the house and during I stayed at Gurugram. My friend doing job in Manesar, who helped me and got arranged a rented room in village Rampura. I stayed there on own wish. During such period nothing wrong happened with me but he helped. I did not want any legal action to anyone. Because my parents will make me marry again.’

9. The petitioner is alleged to have been implicated in this case on the basis of supplementary statement of the victim having been recorded during the investigation.

10. Investigation is complete; final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed. As per the custody certificate, there is no history of other cases against the petitioner. The petitioner is in custody for 01 year and 14 days. Statement of the prosecutrix has already been recorded. There are total 17 prosecution witnesses and only 3 witnesses have been examined so far, as such conclusion of the trial is going to take time.

11. 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.

12. However, it is made clear that nothing expressed hereinabove would



be construed to be an expression of opinion on merits of the case.

13. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20.08.2024
P.Bhatt

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