



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-24808-2024 (O&M)
Date of decision: 04.09.2024

ABHISHEK

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Yajat Gill, 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.0225 dated 15.06.2023 under Sections 363, 366, 376 (2)(n), 450 IPC and Section 6 of the POCSO Act, 2012 registered at Police Station Kunjpura, Karnal.
2. Custody certificate dated 02.09.2024 has been filed on behalf of the respondent-State, which is taken on record.
3. Reply by way of Sonu Narwal, HPS, Deputy Superintendent of Police, Traffic, Karnal along with the documents filed on behalf of the respondent-State are taken on record.
4. As per the prosecution case, the petitioner is facing allegations that he had enticed away the minor prosecutrix and sexually abused her. Initially a



CRM-M-24808-2024 (O&M) - 2-

missing report was lodged and after 2 days, the prosecutrix was recovered from Railway station, Mathura. Initially, the prosecutrix was left in one stop centre in Karnal. On 19.06.2023, the prosecutrix was handed over to her parents and her statement under Section 164 Cr.P.C. was recorded.

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 21.06.2023. He further contends that as per the opinion given in the Medico Legal Report (Annexure R-3), possibility of sexual assault cannot be ruled out. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. 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. Learned State counsel has informed that material witnesses including the prosecutrix and her mother have been examined, however there are total 19 prosecution witnesses. As per the custody certificate, there is history of one other case against the petitioner.

7. I have heard the learned counsel for the parties and perused the relevant documents.

8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The evaluation of evidence on record is a matter of trial. The petitioner is in custody for 01 year 02 months and 12 days.

9. As per the birth certificate, the date of birth of the prosecutrix has been verified as 05.10.2005, as such the prosecutrix was 17 years and 8 months of



age at the time of the alleged occurrence. Allegations and counter-allegations are matter of trial. There are total 19 prosecution witnesses, as such, conclusion of trial is going to take time.

10. 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.

11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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

(HARPREET KAUR JEEWAN)
JUDGE

04.09.2024
P.Bhatt

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