



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

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CRM-M-24170-2024
Date of decision: 20.05.2024

Jasveer @ Sunder

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajat Sheokand, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.668 dated 01.10.2023 registered for the offences punishable under Sections 363, 366 of IPC (Sections 376, 376(3), 468, 467, 471 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 were added later on) at Police Station Chandnibagh, District Panipat.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“To, Respected SHO Sahab, PS Chandnibagh Panipat,
Sir, I am Rakesh Son of Karamchand resident of Veer
Nagar Ugra khedi Panipat. Name of my daughter is
Sandhya, whom on 30.09.2023 at 9.15 am, left at*



school. When we went to school to bring, then my daughter Sandhya was not found. After that, again sent my son to school, then was not found, was not there. My daughter when my son went towards the school then was found with Vinay. On seeking my son, she went away by sitting on motorcycle. After some time, came back home. Then my daughter came. I made her to understand that daughter such things should not have been done. After making understand, myself and my wife went to buy medicines, then at around 5 pm, my daughter Sandhya was not found. I have full trust on Vinay. Features of my daughter, fair complexion and wearing black suit and jeans at bottom and fancy slippers in feet. Her height is 5'1". Search of my daughter be got conducted.

Sd/- Rakesh Mob No 9812331837 Dated 01.10.2023."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.11.2023. Learned counsel for the petitioner has further argued that there was friendship between the petitioner and the victim which was not to the liking of the family of the victim and therefore the petitioner has been falsely roped into the FIR in question. Learned counsel for the petitioner has further referred, in extenso, to the testimonies of PW-1 (victim) PW-2 (father of the victim/complainant) as also PW-3 (mother of the victim) to argue that the material/private prosecution witnesses have turned hostile and thus trial is not likely to culminate into conviction. Thus, regular bail is prayed for.



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4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 14.11.2023 whereinafter investigation was carried out & challan was presented on 10.01.2024. Total 28 prosecution witnesses have been cited out of which the private witnesses stand examined and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was any consensual friendship between the victim and the petitioner & the weightage required to be attached to the testimonies of the hostile witnesses namely PW-1 (victim), PW-2 (father of the victim/complainant) and PW-3 (mother of the victim) shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate date 17.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 05 months and 3 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

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7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqha Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.



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10. Nothing said hereinabove shall be construed as an expression
of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 20, 2024
poonam

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