



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211 CRA-S-1960 of 2024 (O&M)
DATE OF DECISION :- 27.05.2024

Amit ...Appellant

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sukhjit Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

Mr. Suresh Kumar Kaushik, Advocate has filed vakalatnama for respondent No. 2. The same be taken on record.

1. Present appeal has been filed against the order dated 12.04.2024 passed by learned Additional Sessions Judge, Gurugram for grant of regular bail in FIR No. 162 dated 10.06.2023, registered for the offences punishable under Sections 376(2)(n), 506 IPC and 3(2)(V) SC/ST Act at Police Station Rajendra Park Gurugram.

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

“To Respected Chownki Incharge, Dhankot, Gurugram. It is requested that I am Shashi S/O Rawat Singh, resident of village Khedki Majra, district Gurgaon. I have 5 children, 3 boys and 2 girls. The age of the elder girl is 20 years and her name is Neelam. On 25.05.23, she left home without informing us. We searched many places at our own, but could not find her. Her complexion is wheatish, her face is round, there is a tilak on her face, her height is 5 feet, her age is 20 years. Today on 10.06.23, I have come to the Police post. My daughter may kindly be



searched and her missing report may kindly be registered. SD-Shashi 8053994868.”

3. Learned counsel for the appellant has argued that the petitioner is in custody since 26.11.2023. Learned counsel for the appellant has further argued that there was consensual friendship between the appellant and the victim which was not to the liking of the family of the victim and hence the appellant has been falsely implicated into the FIR in question. Learned counsel for the appellant has further referred to an affidavit dated 17.06.2023 stated to be executed by the victim wherein no culpability has been attributed to the present appellant. Thereafter, the victim was pressurised by her family to make an inculpatory statement under Section 164 of Cr.P.C. on 20.07.2023. Learned counsel for the appellant has further argued that twice over cancellation report was prepared by the police i.e. on 24.06.2023 as also on 22.08.2023 wherein after the challan was finally presented on 13.01.2024. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of regular bail.

5. Learned counsel for the complainant has vociferously opposed the grant of regular bail to the appellant by arguing that the allegations made against the appellant are serious in nature and hence he does not deserve to be enlarged on bail. Learned counsel for the complainant has further argued that the affidavit dated 17.06.2023 stated to have been executed by the victim is a false and fabricated document. Learned counsel for the complainant has further argued that in the statement made by the victim under Section 164 Cr.P.C there are specific and clear allegations against the appellant.



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

7. The appellant was arrested on 26.11.2023 wherein after investigation was carried out and challan stands presented on 13.01.2024. Total 28 prosecution witnesses have been cited and the culmination of trial will take its own time. The rival contentions of learned counsel for the parties as to whether; there was consensual friendship between the appellant and the victim, the weightage/veracity required to be attached to the affidavit dated 17.06.2023 stated to have been executed by the victim as also the effect of earlier two cancellation reports submitted by the police; shall be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage lest it may prejudice trial. No tangible material has been brought on record to show that there is likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 23.05.2024 filed by the State counsel, the appellant is in custody for about 5 months and 27 days & is not shown to be involved in any other case. In the considered opinion of this Court, further detention of the appellant as an under trial is not warranted.

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

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.



- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

9. 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 appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

27.05.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No