



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

215

CRM-M-26586-2024 (O&M)

Date of decision: 29.05.2024

SURENDER

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Puneet Pali, Advocate
for the petitioner.

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.887 dated 07.08.2023 (Annexure P-1) under Sections 363, 366-A, 120-B IPC registered at Police Station Sadar Hisar, District Hisar.

2. Notice of motion.

3. On the asking of the Court, Mr. Amrik Singh Narwal, DAG, Haryana accepts notice on behalf of the respondent-State.

4. Custody certificate dated 28.05.2024 has been filed on behalf of the respondent-State, which is taken on record.

5. As per the prosecution case, initially the FIR was lodged by the father of the minor victim on 07.08.2023 with the allegations that her minor daughter aged about 17 years had gone to attend the school but did not return back home.

The petitioner is alleged to have assisted co-accused-Hardeep Singh for dropping



the victim and the co-accused-Hardeep Singh from bus stand to the house of the grand-mother of the co-accused-Hardeep Singh .

6. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 13.08.2023. There is an unexplained delay of 5 days in lodging the present FIR. He submits that as per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure P-7), there are no allegations of sexual abuse against the petitioner. He further submits that investigation is complete and final report under Section 173 Cr.P.C has already been presented before the trial Court. Nothing is to be recovered from the petitioner and the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

7. On the other hand, learned State counsel has opposed the bail petition on the ground of the gravity of allegations against the petitioner. However, it has been confirmed that the petitioner is in custody since 13.08.2023. The State counsel has also informed that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court.

8. I have considered the aforesaid contentions. Perusal of the paper-book reflects that co-accused-Hardeep Singh along with victim had filed CRWP-8212-2023 seeking direction to official respondents to protect their life and liberty as they apprehend danger from private respondents. In order dated 21.08.2023 passed in CRWP-8212-2023 by the Coordinate Bench of this Court, it had been observed that petitioner No.2, who is victim in the present petition is 17 years and 3 months old and her date of birth had been recorded as 21.06.2007. The said petition was disposed of with directions to Superintendent of Police, Fatehabad to depute a Child Welfare Police Officer to produce the petitioner No.2(victim)



before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The petitioner is in custody since 13.08.2023 and the trial will take some time to conclude. As per the custody certificate, there is no history of other cases against the petitioner.

9. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
11. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

29.05.2024
P.Bhatt

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