

CRM-M-27090-2024 (O&M)

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

2024:PHHC:125964



**CRM-M-27090-2024 (O&M)
DATE OF DECISION : 23.09.2024**

SUMIT @ AMIT KUMAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.S.Jatana, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 408 dated 28.09.2022 under Sections 363, 366 IPC (Sections 342, 376(2)(n) IPC, Section 6 of Protection of Children from Sexual Offences Act added later on) registered at Police Station Matlauda, District Panipat.

2. The FIR was registered on the basis of the statement made by the father of the prosecutrix with the allegations that on 28.09.2022, the prosecutrix, aged 17 years went to the School but she did not reach School. The petitioner had enticed her away. As per the status report filed on behalf of the State, on 29.09.2022 the minor victim was recovered from a Pig Farm situated at agricultural fields of Village Sohti, District Sonapat. She was

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identified by the complainant (the father of the prosecutrix). On 30.09.2022, the statement of the prosecutrix under Section 164 Cr.P.C. was recorded wherein she has stated that the petitioner had taken her to his parental aunt's house. His brother's wife was also present there and petitioner did wrong with her.

3. Learned counsel for the petitioner contends that the prosecutrix has not stated anything against the petitioner.

4. Learned State counsel has opposed the bail application on the ground that as per the report of FSL (Annexure R-5), human semen was detected on the exhibits of the prosecutrix, however, the DNA report is still awaited.

5. I have considered the aforesaid contentions and perused the record.

6. The statement of the prosecutrix has been recorded by the trial Court (Annexure R-2). She has not stated anything against the petitioner. The statement of the father and mother of the prosecutrix has been recorded as Annexure P-3 and P-4 respectively. They have not supported the case of the prosecution. As per the counsel for the petitioner, the petitioner is in custody since 01.10.2022. The allegations against the petitioner are a matter of trial. The conclusion of the trial is going to take time. There is no history of any other case against the petitioner. Consequently, the present 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 concerned.

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

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

23.09.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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