



CRM-M-29992-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-29992-2024

Date of decision:04.07.2024

Vikas

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. L.S. Lakhanpal, 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.443 dated 29.07.2022, registered for the offences punishable under Sections 363, 366-A of IPC and Section 6 of POCSO Act (added later on) at Police Station Palla, District Faridabad, Haryana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To Sir, SHO Sahib Police Station Palla Faridabad. It is requested that I Mohd. Alam son of Mohd. Ishhak resident of Village Jigodihar, P.S. Sakra District Muzaffarpur Bihar, Jai Bharatiya Modern Public School Saihatpur Sai, I am a resident of Faridabad, I work as a tailor, I have five children in which four are girls and one boy, my eldest daughter is 16. A year old boy named Vikas, on 27.07.2022 at around 06.00 in the morning, has lured away my daughter with the intention of being innocent and I have personally searched for my daughter, who today I have come from the police station, who is looking for the appearance of my daughter. Color is fair, slim, agile body, height is 4 feet 6 inches, who is wearing a green suit, light blue jeans, pants and slippers on his feet. My daughter Jeva Parveen should be searched. Legal action should be taken against



CRM-M-29992-2024

2

*the boy named Vikas, MOH. ALAM XXXXXXXXXXXX SD- PSI GAURAV PS
PALLA FBD AZ Police Station Hasva Aam Dakhaast”*

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 08.08.2022. Learned counsel has further argued that there was consensual relationship between the petitioner and the victim which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated in the FIR in question. Learned counsel has further submitted that the victim, while making statement under Section 164 of Cr.P.C., had supported the cause of the petitioner but later on, on account of family pressure she had supported the case of the prosecution while being examined as a prosecution witness. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.07.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 08.08.2022 whereinafter investigation was carried out and challan stands presented on 20.10.2022. Total 25 prosecution witnesses have been cited out of which only 01 has been examined till date & hence the culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual relationship between the petitioner and the victim as

**CRM-M-29992-2024**

3

also the relative weightage required to be attached to the statement of the victim made under Section 164 of Cr.P.C. viz.-a-viz, the statement made by the victim when examined as a prosecution witness; 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 custody certificate dated 03.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01year, 10 months and 27 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 case.

7. In view of above, the present petition is allowed. Petitioner 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 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/Illaqa 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.

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

July 04, 2024
Ajay

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