



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-30485-2024 (O&M)
Date of decision: 30.07.2024

KRISHAN LAL ALIAS RAVI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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.373 dated 14.12.2023 (Annexure P-1) under Sections 323, 354-A, 354-D, 506, 34 IPC and Section 12 of the POCSO Act, 2012 registered at Police Station Cheeka, District Kaithal.
2. Custody certificate dated 29.07.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 06 months and 15 days of actual custody.
3. Status report by way of an affidavit of Kuldeep Singh, HPS, Deputy Superintendent of Police, Guhla along with copy of birth certificate of the child victim (Annexure R-1), statement of the victim under Section 164 Cr.P.C. (Annexure R-2), disclosure statement of the petitioner (Annexure R-3) and custody certificate (Annexure R-4) filed on behalf of the respondent-State are



taken on record.

4. As per the FIR, the daughter of the complainant was being chased by the petitioner and his co-accused while she used to go to school. The petitioner and his co-accused have allegedly threatened to kill the complainant and his daughter.

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 15.01.2024. He further contends that the statement of the victim and the complainant have already been recorded. The co-accused of the petitioner namely Nitin has already been granted regular bail by the trial Court vide order dated 23.07.2024. Copy of the said order is submitted in the Court today, which is taken on record.

6. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. However, learned State counsel on instructions from S.I. Ram Pal has confirmed that the statements of the child victim and the complainant have already been recorded and they have turned hostile during the examination. Learned State counsel contends that during the investigation, it has been verified that the petitioner and the co-accused have orally threatened the child victim and the complainant without holding any weapon/arms (pistol) in their hands. Investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. As per the custody certificate, there is no history of other cases against the petitioner.

7. I have considered the aforesaid contentions and perused the paper-book.

8. Investigation is complete and the final report under Section 173 of the



Code of Criminal Procedure has been presented before the trial Court. As per the custody certificate, there is no history of other cases against the petitioner. The petitioner is in custody for 06 months and 15 days. Statement of the material witnesses have already been recorded. The co-accused of the petitioner has already been granted regular bail by the trial Court vide order dated 23.07.2024. The conclusion of the trial is going to take time.

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 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

30.07.2024
P.Bhatt

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