



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-32328-2024

Date of Decision : **July 15, 2024**

SACHIN

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr.Sushil Jain , Advocate  
for the petitioner.

Mr. Bhupinder Singh, D.A.G., Haryana.

**KULDEEP TIWARI, J. (Oral)**

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.582 dated 12.11.2023 Under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 377 and 506 IPC, registered at Police Station Kharlhoda, Sonipat, District Sonipat.
2. The prosecution agency was set into motion on a complaint made by Sunny son of Prem Singh. The relevant extract of the same reads as under:-

“To The SHO Police Station Kharkhoda. Sir, It is submitted that I Sunny son of Prem Singh is the resident of Village Gorar and doing the work of whitewash. I have three sons (children),



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out of whom the age of elder son is 15 years, that my son is studying in 9th standard. On 11.11.2023, my son (xxxx) has told me that on 09.11.2023, Sachin son of Raj Kumar and Devender son of Jai Bhagwan, resident of Gorar lured him and took me to field of sugarcane and both the boys inserted their penis into his mouth and when he started crying, then they left me there and ran away. Today after apprising by my son, I had taken him to their house and there my son had identified both of them. Then they both said if he would tell anyone about this, they would kill him.”

3. On the basis of the above statement, the instant FIR was registered against the present petitioner and co-accused Devender. Both the aforesaid accused were arrested and after completion of investigation, the final report was filed.

4. Upon framing of the charges, the star witnesses of the prosecution i.e. victim as PW1, as well as the complainant, as PW2 respectively, the said statements have been attached with the instant petition as Annexures P-2 and P-3. The perusal of the said statements reveal that the victim as well as the complainant, have turned hostile and did not support the case of the prosecution.

5. The learned State counsel has placed on record the custody certificate, which reflects that the petitioner has suffered incarceration of 7 months and 23 days. He also informs the Court that out of total 24 witnesses cited by the prosecution in the final report, 7 witnesses have been examined so far.



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6. Considering the fact that both the star witnesses of the prosecution have turned hostile as well as the incarceration suffered by the petitioner and as well as the age of the victim as well as the present petitioner, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

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(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No