



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-33018-2024

Date of decision:18.07.2024

Ravi

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arun Kumar Singal, 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.366 of 2023 dated 15.09.2023, registered for the offences punishable under Section 365 of IPC; (Sections 363 & 366 of IPC added during investigation and Section 365 of IPC dropped) at Police Station Model Town Panipat, District 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, Chowki Incharge 8 Marla Panipat. Sir, It is submitted that I am Anil Kumar, son of Shri Om Prakash, aged 39 years, resident of Ashu Colony village Binjhol. Yesterday on 14.09.23 at around 11:30 AM my daughter Priya, aged 16 years, without informing went away from home. I personally searched for her but could not find her anywhere. My daughter should be searched. Her appearance is wheatish, round Face, Height 5'2" Wearing black colored salwar kameez. I have come to the police post today and have given the application. Anil Kumar”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.10.2023 and investigation in the case is already



complete. It has further argued that the petitioner was having a consensual friendship with the victim which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated into the FIR in question. Learned counsel has further referred, *in extenso*, to the statement made by the victim under Section 164 of Cr.P.C. on 19.10.2023 before the Judicial Magistrate Ist Class, Panipat, Haryana, to argue that it has been specifically stated by the said victim that she has left the lawful guardianship of her parents on her own accord and was having a friendship with the petitioner. 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 17.07.2024 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 10.10.2023 whereinafter investigation was carried out and challan stands presented on 18.12.2023. Total 14 prosecution witnesses have been cited and it goes without saying that culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of his having a consensual relationship with the victim which was not to the liking of the family of the victim as also the weightage required to be attached to the statement made



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. The petitioner is young man aged about 20 years with no criminal antecedents. As per custody certificate dated 17.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 09 months and 08 days.

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/Illaq 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 18, 2024
Ajay

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