



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33513-2024
Date of Decision: 19.10.2024

ABHISHEK

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aman Arora, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. AG, Haryana.

ALOK JAIN, J. (*Oral*)

On the oral request of the counsel for the petitioner, the present petition is treated to be under Section 483 of the B.N.S.S. 2023.

2. The present second bail petition is for grant of regular bail to the petitioner in case F.I.R. No. 147 dated 25.11.2022 under Sections 8,12 and 17 of The Prevention of Children from Sexual Offence Act, 2012 and Sections 452 and 506 of Indian Penal Code 1860 wherein, during the course of investigation, Section 8 of The Prevention of Children from Sexual Offence Act, 2012 has been replaced with section 10 of The Prevention of Children from Sexual Offence Act, 2012 and still further, sections 66E and 67 A of Information Technology Act 2000 has been added, registered at Police Station Women Ballabgarh, District Faridabad.

3. Learned counsel for the petitioner submits that the entire story narrated in the FIR is false and fabricated and bundle of lies erupting out of adolescence love affair between the petitioner and the prosecutrix. He



further submits that petitioner is in custody since last 13 months and the testimony of prosecutrix has been completed and trial is likely to take sometime. He further submits that he has instructions to apprise the Court that the petitioner is still willing to go ahead with his relationship with the prosecutrix as he is very much serious about the relationship with her and it is only on account of a bad advice by the close relative, that the present petition litigation has been erupted.

4. *Per contra*, learned State counsel has submitted that the petitioner has played a pivotal role in the execution and commission of the offence, however, could not deny the fact that the petitioner is in custody for the last 01 years 10 months and 22 days (as per the custody certificate dated 18.10.2024) and challan has already been presented.

5. Heard learned counsel for the parties.

6. In light of the above and considering the fact that the petitioner is a young boy of 25 years of age having no other criminal antecedents and the prosecutrix has already been examined and that the trial is likely to take some time coupled with the fact that there was friendship between the petitioner and the prosecutrix which has gone into rough weather, the petitioner has been in custody for last 01 years 10 months and 22 days, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail if not



required in any other case by furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.
- v. The petitioner will not stay in the vicinity of the prosecutrix and shall not try to influence or contact her in any manner directly or indirectly.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 BNSS, 2023.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be

CRM-M-33513-2024

2024:PHHC:136792



considered as parity qua any other co-accused in any manner whatsoever.

10. It is further made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of condition(s) of bail.

11. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

19.10.2024
kv

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