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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34378-2024 (O&M)

Date of Decision: 24.07.2024

TAJINDERPAL @ RAJA

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Reshabh Bajaj, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

1. Prayer in the instant petition is for grant of interim bail to the petitioner for a period of three months on account of medical exigency of the parents of the petitioner in case FIR No.141 dated 07.03.2024, registered under Section 376 of IPC and Section 4 of POCSO Act (later on Section 354 of IPC and Section 8 of POCSO Act were added), at Police Station Kundli, District Sonipat.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To S.H.O. Kundli P.O. Sir, I, Guddi Devi wife of Nand Lal R/o Nahmatpur Dilawali, District Faizabad U.P. at present resides as tenant in the house of Sanjay Panchal Pardhan in Village Barota. I have three daughters and one son. Shivani (13) years, Sarita (16 years) and 3rd Arjoo (14 years) and the youngest is son named Harsh (4 years). That my daughter Sarita used to go for work in a flat 1002/A4, Tulip Road, Barota. That today my daughter Sarita told me that Raja, the owner of house No.1002/A had committed wrong act with her on 28.02.2024. In this regard, I have given a complaint to you

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by coming in the Police Station. Legal action be taken against Raja. Guddi Devi - 8053852761.”

3. Learned counsel for the petitioner has argued that the mother of the petitioner (aged about 74 years) is paralytic and is bed ridden and is hence unable to move. Learned counsel for the petitioner has further argued that father of the petitioner is also having very bad health and is being fed by way of a pipe in his nose. Learned counsel for the petitioner has further argued that the petitioner is the only adult male member available in India as his son is working abroad. Thus, interim bail is prayed for.

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 interim bail. A status report dated 23.07.2024, by way of affidavit of Mukesh Kumar, HPS, Assistant Commissioner of Police, Rai, Sonipat has been filed by learned State counsel in the Court today. Relevant para No.4 thereof reads as under:

4). That it is submitted that when police official visited house of petitioner, parents and wife of petitioner were found present and mother of petitioner was found bed ridden being paralytic and unable to move. Father of petitioner was also having feeding pipe in his nose and was unable to speak Wife of petitioner disclosed that presently, mother of petitioner is not being taken to any hospital and she is being provided medicines in the house itself and father of petitioner already stands discharged from the hospital.

5. Learned counsel for the complainant has vehemently opposed the grant of interim bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of interim bail.

6. The status report filed by the State of Haryana reflects that the mother of the petitioner is bed ridden being paralytic and unable to move.

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Father of the petitioner is also having feeding pipe in his nose and is unable to speak accordingly. As per the submissions made by the learned State counsel (on instructions from SI Naresh), petitioner is the only male member in India and the son of the petitioner aged about 28 years, is employed in Romania. It is also not in dispute that testimony of all the prosecution witnesses stand recorded. 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. Keeping in view the totality of the facts and circumstances of the case, this Court deems it appropriate to grant interim bail to the petitioner for a period of two months w.e.f. 25.07.2024 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.

7. The petitioner is directed to surrender before the CJM, Sonipat on 26.09.2024 at 10:00 a.m. In case the petitioner fails to surrender on the said date and time; the CJM, Sonipat is directed to take effective steps to

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take the petitioner back into custody. Commissioner of Police, Sonipat is directed to extend all support to the said Court for taking back the petitioner into custody in case the petitioner does not surrender.

8. Further, the victim as also the complainant are at liberty to file an appropriate application before the Commissioner of Police, Sonipat for being provided security. In case such application is moved by the victim and/or the complainant, the Commissioner of Police, Sonipat is directed to look into the same and take effective steps as required within two days on filing of such application.

9. Ordered accordingly.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

24.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No