



CRM-M-36056 of 2024 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

220 **CRM-M-36056 of 2024**
DATE OF DECISION :- 05.08.2024

Gaurav **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vishal Garg Narwana, Advocate
with Ms. Deepika Chaudhary, Mr. Arshdeep,
Mr. Khushwal Singh and Mr. Minku Sangwa, Advocates
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.174 dated 21.06.2023, registered for the offences punishable under Section 6 of POCSO Act at Police Station Rajendra Park, Gurugram, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To SHO Police Station Rajendra Park Gurugram, Respected that my name is Krishan Katri son of Govind Katri, Permanent Resident of Village Baamaru, Police Station Hansapur, District Argakhanchi Lubni, Nepal and presently residing along with my family at Gali No. 1, Basai Enclave, Rajendra Park, Gurugram. I have two children. One evening when I came from duty, my younger daughter Suman Khatri whose age is 17 years, my daughter told me that she is having stomach pain. Then on 10-6-2023 I got my daughter treated at the hospital



then I came to know that my daughter is pregnant. I was very upset after hearing this. then I took my daughter and went home, who at home told me that a boy named Gaurav from her School took Suman in jungle near Dhanvapur Flyover and had made sexual relations twice. That today after thinking, I have come to the Police Station to file a complaint. Gaurav has ruined my daughter's life and legal action should be taken against him. I am giving this complaint in front of legal advisor Priyanka Sharma SD-Krishan 21.06.2023 Police Action- on dated 10.6.23 ASI Sajjan Police Station SEC-9A Gurugram took the victim Suman and her mother and father Krishan Katri Son of Gobind Katri Resident of Hal Basai Gurugram along with rukka doctor present in the police station, at that time the complainant has not filed any complaint who told that my daughter is very upset. She is not telling anything right now. Today LSI himself present at the police station, the Complainant Krishan has come to the police station along with his daughter and wife, on receiving the information the legal advisor also came to the police station, after counselling the victim the complainant Krishan presented his complaint in the presence of the legal advisor. From the gist of the complaint, the crime has been found Section 6 of POSCO Act. For registering the case, a written complaint was made to MHC police station. After registering the case, special report should be presented before the higher authorities and regional magistrate. I am busy in LSI investigation. SD-Kiran LSI PS R PARK GURUGRAM DT 21.06.23 Police Station: on receipt of the above mentioned complaint, the above case was registered under the above said section. The contents of FIR were prepared by CCTNS and the special report of the case sent by E-MAIL to the Regional Magistrate and higher authorities. I myself left with LSI alongwith LHC Ruby 226 with police file and original complaint to the spot of incident.”



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.09.2023. Learned counsel has further argued that the victim and father of the victim/complainant when examined as PW2 and PW4 respectively had not supported the case of the prosecution and hence the trial is not likely to culminate into conviction. 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 02.08.2024 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 01.09.2023 whereinafter investigation was carried out and challan stands presented on 27.10.2023. Total 21 prosecution witnesses have been cited out of which only 04 have been examined till date. Thus, it is indubitable that the culmination of trial will take its own time. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the testimony of the hostile witnesses namely PW2 (victim) and PW4 (father of the victim/complainant); shall be gone into 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. As per custody certificate dated 02.08.2024 filed by learned State counsel, the

**CRM-M-36056 of 2024** **4**

petitioner has already suffered incarceration for a period of more 11 months & is not shown to be involved in any other case.

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 cell-phone 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/Illaqqa 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.



CRM-M-36056 of 2024 **5**

- 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

05.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No