

CRM-M-37692-2024 (O&M)

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

2024:PHHC:123583



**CRM-M-37692-2024 (O&M)
DATE OF DECISION : 18.09.2024**

KRISHAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S.Thind, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.
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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 371 dated 16.09.2023 under Sections 6 of Protection of Children from Sexual Offences Act and 363, 366, 376(3), 376(2)(n) IPC, registered at Police Station Farrukhnagar, District Gurugram.
2. Custody certificate dated 08.08.2024 reflecting the custody of the petitioner as 10 months and 21 days has been taken on record.
3. I have heard the counsel for the parties.
4. The present FIR was got registered at the instance of the mother of the prosecutrix wherein she has alleged that on 16.09.2023, her daughter aged about 16 years was enticed away by Krishan r/o Ward No. 6, Bala Ji Colony. After the registration of the FIR, on 17.09.2023, the prosecutrix was

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recovered and her statement under Section 164 Cr.P.C. was recorded. Her medico-legal examination was also conducted. The petitioner was arrested on 17.09.2023.

5. The investigation of the case is complete, final report/challan under Section 173 Cr.P.C. has already been presented. The author of the FIR appeared as PW-4 on 22.02.2024 (Annexure P-3) wherein she has not stated anything against the petitioner. She has stated that on 17.09.2023, her daughter went to the market for purchasing some articles but she did not return back home. As such, she reported the matter to the police. However, later on, on 17.09.2023 her daughter came home and told that on 16.09.2023 one boy stopped her and took her forcibly to an unknown place and committed rape upon her. Her daughter does not know the name of the person. She has categorically stated that the petitioner neither enticed her daughter away nor committed rape upon her at any point of time. Similarly, the statement of the prosecutrix, who appeared as PW-2 has been recorded (Annexure P-4). Though the State counsel has informed that human semen was detected, as per the report of Regional Forensic Science Laboratory, Bhondsi Gurugram dated 19.10.2023, however, identity of the accused is a matter of trial. The DNA report has not been obtained. The petitioner is in custody for 10 months and 21 days. There is no history of any other case against the petitioner. The petitioner is a young boy of 19 years of age. No fruitful purpose would be served by detaining the petitioner in further custody pending trial. The conclusion of the trial is going to take time. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds

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to the satisfaction of the trial Court concerned.

6. Pending miscellaneous application(s), if any, shall stand disposed of.

18.09.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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