



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

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**CRM-M No.42453 of 2023 (O & M)
Date of decision : 13.8.2024**

ViditPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Randhawa, Advocate, for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., 1973, for grant of regular bail to the petitioner in case FIR No.10 dated 4.1.2023, under Section 363 IPC (Section 366-A IPC and Section 6 of POCSO Act are added later on), registered at Police Station Surajkund, District Faridabad.

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 Ankhir Faridabad. Sir, it is requested that I am Banu wife of Mubin resident of Jamai Colony Faridabad. I am married. I have three children. My daughter Sophia who is in second number, whose age is 15 years. On 03.01.2023 my daughter Sophia went somewhere at 11.00 pm without informing who is missing since yesterday. The features of my daughter are as follows: fair complexion, long face, well-built body, 5 feet in height. Whose age is 15 years, we don't know which color clothes she is wearing. I was searching on my own. My daughter should be searched and legal action should be taken.'



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.1.2023. Learned counsel has further argued that the prime prosecution witnesses namely, victim, father of the victim and mother the victim/complainant (when examined as PWs 1 to 3) have turned hostile and thus, the trial is not likely to culminate in conviction. Hence, regular bail of the petitioner is prayed for.

4. Learned State counsel has opposed the present petition by 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 11.8.2024 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 7.1.2023 wherein after investigation was carried out and challan stands presented. Total 21 prosecution witnesses have been cited, out of which 3 prime prosecution witnesses stand examined. The rival contention of learned counsel for the parties; the testimony of the hostile witnesses namely, the victim, father of the victim as also mother of the victim/complainant examined as PWs 1 to 3, during the trial proceedings 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.

7. Nothing tangible has been brought forward to indicate the likelihood of the petitioner interfering with the prosecution evidence. As per custody certificate dated 11.8.2024 filed by learned State counsel, the



petitioner is stated to be in custody for about 1 year, 7 months and 5 days. As per the said custody certificate, the petitioner is not involved in any other case.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

8. 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.
12. Pending miscellaneous application(s), if any, stand disposed of
accordingly.

(SUMEET GOEL)
JUDGE

13.8.2024
Ashwani

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