



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

210

**CRA-S-2845 of 2024
Date of decision : 20.9.2024**

Suraj**Appellant**
Versus
State of Haryana and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Susheel Gautam,, Advocate, for the appellant
Ms. Priyanka Sadar, AAG, Haryana
None for respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.55 dated 14.2.2024, registered for the offences punishable under Sections 376 (3), 506, 34 of IPC and Sections 17 & 4 of POCSO Act and Sections 3 (1) (w)(ii) and 3 (2) (va) of SC & ST Act, 1989 (Added later on) at Police Station Civil Line, Sonapat, District Sonapat.
2. The case set up in the FIR in question (as set out in the present appeal by the appellant) is as follows:-

‘Sir, It is submitted that I, Poonam wife of Late Sanjay, am a resident of Farmana Majra, at present tenant, Street No.3, Sudama Nagar. I have two daughters. Elder daughter Neha is married: younger daughter Simran whose date of birth is 8.2.2009, is a student of 10th Class in Murthal Adda Girls Senior Secondary School, Murthal Adda, Sonapat. Around 6-7



months back, on Instagram ID of mother 3182, on my daughter Simran ID, a friendship request was received from Suraj Model 8222 ID which was accepted by my daughter. Thereupon, this boy named Suraj resident Panipat, Caste Kashyap, started talking with my daughter on my Mobile No.9671448059 from his Mobile Phone No.8222002529. Yesterday, the 13.2.2004, when my daughter Simran reached outside school, Suraj alongwith his one pillion rider friend on his Bullet (motorcycle) No.HR06AU7760 of black colour, on the backside whereof Kashyap Sahab was mentioned, Suraj and his friend by persuading my daughter Simran, took my daughter on Bullet in a hotel where the friend of Suraj stayed outside hotel and Suraj took my daughter Simran inside hotel in a room. Suraj committed rape with my daughter Simran forcibly against her wishes and then Suraj dropped my daughter Simran outside the school and on his bullet while leaving, threatened my daughter that if this thing is disclosed to anybody, you and your family would be killed. I work as a toy seller. Yesterday, I had gone to Delhi to purchase toys. During day, I received a telephonic call from the school of my daughter that Simran did not come school. In the evening, I reached home around 5 PM when my daughter met me out in the street while coming who was very frightened. Yesterday, I tried to ask my daughter but being frightened, she did not tell me anything. Today, the 14.02.2024, the condition of my daughter Simran being well, she told me the whole thing. Today, I alongwith my daughter Simran and my brother Anil, by coming to Police Station, getting application written from Anil, presented in the Police Station. FIR may be registered against Suraj and his friend. My caste is Dhanak. Sd/- Poonam. Punam W/O Sanjay, resident of Farmana, at present tenant at Sudama Nagar, Sonapat. 9671448059.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 17.2.2024. Learned counsel has further submitted that there was a consensual friendship between the appellant and the victim, which turned sour later on. And thus, only on this account the appellant has been falsely implicated in the instant FIR. Learned counsel for the appellant has further submitted that all private prosecution witnesses stand



since examined & thus, there is no chance of the appellant interfering with the process of trial. Thus, regular 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 appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 16.9.2024 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 appellant was arrested on 17.2.2024 whereinafter investigation was carried out and challan stands presented on 3.4.2024. Total 20 prosecution witnesses have been cited out of which all private witnesses stand examined. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the appellant and the victim, which turned sour later on, as to whether the appellant has been falsely implicated in the FIR in question on this account only; 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 material has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 16.9.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of about seven months, and there is no other case against the appellant.



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

7. In view of above, the present appeal is allowed. Appellant 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 appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant 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/Illaqa Magistrate.
- (vii) The appellant 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 appellant.

9. Ordered accordingly.

2024:PHHC:124633



CRA-S-2845 of 2024

-5-

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

20.9.2024
Ashwani

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