

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



JANKI BHATT
2024.10.03 18:15
I attest to the accuracy and
integrity of this document
High Court Chandigarh

CRA-S-2475-2023 (O&M)

with the allegations that the appellant met her when she went to the house of her maternal uncle at Ballabgarh during the vacations. She was taken to OYO hotel where the appellant had forcibly sexually abused her and clicked her objectionable photographs. Thereafter, she was repeatedly taken to the OYO Hotel and appellant committed wrong act with her. When she refused to go with him on 09.07.2022, the appellant came to her house and threatened to kill her. As such, the FIR was registered.

4. As per the date of birth of the prosecutrix, issued by the Sub-Registrar (Births and Deaths), NIT Faridabad, the date of birth of the prosecutrix is 12.12.2004 and she was 17 years plus at the time of alleged occurrence. As per the status report, the investigation is complete, charges have been framed and the statement of the prosecutrix as well as her mother have already been recorded. As per the status report, the mobile phone of the appellant was taken into possession during the investigation and even mobile phone of the prosecutrix was also taken into possession. The data was inspected by the DITAC, Gurugram. However, no data from the mobile phone could be extracted as the same was in the damaged condition.

5. Custody certificate dated 27.09.2024 reflecting the custody of the appellant as 02 years, 02 months and 18 days has been taken on record. The appellant is 23 years of age. As per the custody certificate, the appellant is involved in FIR No. 05 dated 04.01.2022 under Sections 25-54-59 of Arms Act, registered at Police Station Adarsh Nagar, Faridabad but he is stated to be on bail in the said case. As per the status report, only 2 out of 22 witnesses have been examined.

6. Keeping in view the long incarceration of the appellant, he cannot be kept in custody for an indefinite period during the trial.

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Consequently, the present appeal is allowed. The order dated 04.05.2023 passed by the learned Additional Sessions Judge, Fast Track Special Court, Faridabad is set aside and the appellant is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

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

30.09.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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