



CRM-M-41294-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41294-2024 (O&M)

Date of Decision: 30.08.2024

SAHIL ALIAS AAMIN

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Rosi, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.92 dated 21.03.2024, registered for the offences punishable under Sections 376, 452, 354-D and 506 of IPC at Police Station P.S. Sadar Nuh, District Nuh.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, The Station House Manager Sir, Women Police Station Nuh, District Nuh. Subject: Application regarding Legal action to be taken against Sahil alias Aamin son of Taj Mohd., resident of Hussainpur, Police Station Sadar Nuh. Sir, it is requested that the applicant Muhina wife of Aadil is resident of Hussainpur, Police Station, Sadar Nuh, District Nuh. I don't know, accused Sahil alias Aamin was following me for a long time and was keeping an evil eye on me. On Dated 20.03.2024, at around 11.00, my husband was not at home and accused entered my house and caught hold of me on the cot and threatened me that if I make noise, I will kill you right here and the accused committed rape upon me forcefully and at that very moment my husband arrived and my husband caught the accused on the spot but accused pushed my husband and ran away from the spot. And threatened that if police action has been taken, I would kill you. Therefore, you are requested to

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take strictest legal action against the accused Sahil alias Aamin. Date 21.03.2024 SD-RTI Muhina wife of Adil resident of Hussainpur, Police station Sadar Nuh, District Nuh 9306651144.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.03.2024. Learned counsel for the petitioner has submitted that the prime prosecution witness, namely, victim (when examined as prosecution witness) has turned hostile & hence in all likelihood the trial is not likely to culminate into conviction. Learned counsel for the petitioner has further submitted that the petitioner is a young man aged 21 years with no criminal antecedents. Thus, the 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 petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 21.03.2024 whereinafter investigation was carried out & challan was presented on 10.06.2024. Total 12 prosecution witnesses have been cited and culmination of the trial, but of course, will take its own time. The rival contention of the learned counsel for the parties; regarding the weightage required to be attached to the testimony of the hostile witness/victim; 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

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evidence. As per the custody certificate dated 30.08.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 05 months and 09 days & 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 present case. take its own time.

7. In view of totality of factual matrix of the present case, the instant 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 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/Illaq Magistrate.



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- (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.
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.

30.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No