



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

205 **CRM-M-44663 of 2024**
DATE OF DECISION :- 13.09.2024

Veerpal **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gurpreet Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.172 dated 28.05.2024, registered for the offences punishable under Sections 12,8 of POCSO Act and Sections 323,354A,354D,506 IPC at Police Station Bahalgarh, Sonapat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To, The ACP, Rai, Sir, It is requested that I, daughter of Suresh Verma, am resident of tenant of Veerpal, Bahalgarh. I am 15 year old. My mother and I have been living with my brothers Sanjay Verma and Ajay Verma for about 14 years. Veerpal keeps a dirty eye on me while coming and going. He has even touched my cheeks and chest many times. When my mother is not at home and goes to work, Veerpal would ask me to go to Veerpal Hotel. I told all these things to my mother. My mother did not take any action keeping in mind her dignity and being poor. On 24-5-2024 at 10 o'clock, I called on 100 number from



my mobile number 8396069634. I also received a call from 112. Veerpal, in collusion with the police, did not take any action. Veerpal accused me of taking Rs. 5 lakh. My mother and I do the work of cleaning and sweeping houses and we make a living. Please take action against Veerpal for molesting and protect our lives and liberty. Applicant Sd/-Kajal Verma 839606934,28.05.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.06.2024. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question on account of a rent amount dispute. Learned counsel for the petitioner has further submitted that the victim has not raised any allegations of sexual assault against the petitioner in the statement made under Section 164 of Cr.P.C before the concerned Magistrate on 29.05.2024 and the only allegations made primarily pertains to beating and asking the victim to come along with her to a Hotel. In this view of the matter, learned counsel has prayed for grant of regular bail.

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. Learned State counsel seeks to place on record custody certificate dated 12.09.2024 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 15.06.2024 whereinafter investigation was carried out and challan stands presented on 13.07.2024.

Total 16 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for



the parties; as to whether the petitioner has been falsely implicated into the FIR in question on account of a rent amount dispute and the weightage required to be attached to the statement made by the victim under Section 164 of Cr.P.C before the concerned Magistrate on 29.05.2024; 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 evidence. As per custody certificate dated 12.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 28 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 case.

7. 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/Illaq Magistrate.
- (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.

(SUMEET GOEL)
JUDGE

13.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No