



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

216

CRM-M-44201 of 2024

DATE OF DECISION :- 12.09.2024

Mahesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Mohit Rathee, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, 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.178 dated 15.06.2019, registered for the offences punishable under Sections 379,354A of IPC (deleted Sections 379,354-A of IPC) (later on added 379B,354B,323,201 of IPC) at Police Station Kasola, Rewari.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, Sir SHO (Kasola Police Station) Sir, I am Priyanka village Paudhanwas Garhi (Bolni) I am daughter of Deepak Kumar, I used to go daily for coaching. Today at about 2.30 PM I was walking on the Bolni road when a stranger was passing by. He offered me a lift. I refused two-three times. Then the stranger said that he will drop me to my village. I sat down. He drove smoothly for 100 meters. Then there was a ditch on the side of the road. He started taking his bike towards that dirt road. I told him many times that stop me brother, where are you taking me. He did not stop the bike and drove fast. Then I jumped off the



moving bike. He caught my clothes and hands and dragged me along. His bike and helmet fell down during this accident. I slapped him three-four times and kicked him and started blabbering. Then he slapped me once. I pushed him and I ran away. My phone and bag were left there. He took my phone with him. I do not know him but I want action against him so that my number is traced. He has also strangled me. My mobile no. is- 7056728775 IMEI No. 8618760424661074, I can recognize him if he comes in front of me. Sd/- Priyanka Mob No. 7056728775, Mom No. 8683961682.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.11.2020. Learned counsel has further submitted that total 20 prosecution witnesses have been cited out of which only 02 have been examined till date. Learned counsel for the petitioner has further submitted that there is no convincing evidence available on record to support the case of the prosecution. 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 11.09.2024 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 19.11.2020 whereinafter investigation was carried out and challan stands presented on 22.01.2021. Total 20 prosecution witnesses have been cited as on today and only 02 have been examined. The charges in the case were framed on 19.02.2021 and,



therefore, the likelihood of the trial being calumniated in near further appears to be not possible. The rival contention of learned counsel for the parties; as to whether there is cogent prosecution evidence available on record; 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 11.09.2024 filed by learned State counsel, the petitioner has already suffered incarceration for about 03 years 09 months and 23 days. The said custody certificate also reflects that the petitioner is also involved in two other cases but this factum by itself would not be sufficient to decline the concession of regular bail to the petitioner in the instant 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

12.09.2024
P.Singh

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