

1

CRM-M-45563-2024 (O&M)

215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45563-2024 (O&M)

Date of Decision: 19.09.2024

Ankit

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.R. Sharma, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Lokesh Kaushik, Advocate for respondent No.2.

...

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.728 dated 18.12.2023, registered for the offences punishable under Sections 376(3) and 506 of IPC and Section 6 of POCSO Act, 2012 at Police Station Industrial Sector-29, District Panipat, Haryana.

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

“Copy of the complaint is hereby presented to SHO Police Station No. 29 Panipat. I am Sanu Daughter of Virendra Resident of Government Schoo, Jatheri, Sonipat presently Resident of Street No.6 near kheda, Vikas Nagar, Panipat. I am 16 years old and studying in 8th standard. My mother works as labourer, on 15.12.23 my step father, Ankit son of Rajpal raped me and threatened me that If I will anyone, then he will kill me and my brother and sister. On 17.12.23, he again tried to do forceful act with me but I somehow managed to escape from there and went to my mother and told her everything. Legal action should be taken against my stepfather. SD Sanu M.No. 9654180125.”

**CRM-M-45563-2024 (O&M)**

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 12.01.2024. Learned counsel for the petitioner has submitted that there is a long list of prosecution witnesses i.e. 17 in number and only 4 have been examined till date and thus culmination of the trial will take its own time. Learned counsel for the petitioner has further submitted that the prime prosecution witnesses, namely, the victim as also the mother of the victim (complainant) have turned hostile & hence in all likelihood the trial is not likely to culminate into conviction. 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 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 12.01.2024 whereinafter investigation was carried out & challan was presented on 21.02.2024. Total 17 prosecution witnesses have been cited out of which only 4 have been examined till date and thus it is indubitable that the conclusion of the trial 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 witnesses, namely, the victim as also the mother of the victim/complainant; 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 remaining prosecution evidence. As

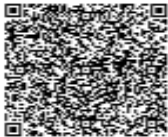
**CRM-M-45563-2024 (O&M)**

per the custody certificate dated 18.09.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 08 months and 06 days. As per the said custody certificate, the petitioner is shown to be involved in two other FIRs but this factum by itself would not be sufficient to decline the concession of regular bail to the petitioner in the case in hand. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

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.
- (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



CRM-M-45563-2024 (O&M)

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.

19.09.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No