

CRM-M-46264-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46264-2024
Reserved on: 04.11.2024
Pronounced on: 18.11.2024

Gajender ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0197	13.04.2024	Bhiwani Sadar, District Bhiwani	377, 511 IPC and 6 of Protection of Children from Sexual Offences Act 2012

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that complainant by coming in the police station moved a complaint in which she disclosed that accused Gajender took her son (victim) to his own house for committing misdeed. The accused took off clothes of (victim). The accused had consumed liquor. 'G' came back to his own house running in naked condition. Yesterday, she could not move application as her husband and family members were not in the house. Today she is moving the application against the accused as accused has taken (victim) for committing misdeed. From it, above referred present FIR was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and

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contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the crux of the statement of victim and his mother, which have been annexed with the petition.

“PW1 Child-victim stated that I do no remember my date of birth. I have studied upto 9th class. I have seen accused Gajender present in the Court through VC. He did not nothing wrong with me. I have no complaint against him.”

PW2 Suman stated that I am illiterate and child victim is my son. I do not remember his date of birth. He is about 16 years of age. He had studied upto 9th class. I have seen accused Gajender present in the Court through VC. He did nothing wrong with child victim. I have no complaint against him.”

Both of them stated on oath that the petitioner did nothing and refused to corroborate their initial allegations made to the police. Given the above, coupled with the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any

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witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.