

2024:PHHC:019906

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

**CRM-M-48771-2023 (O&M)**  
**Date of decision: 13.02.2024**

Sahil

....Petitioner

V/s

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr.Ankur Sheoran, Advocate,  
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

\*\*\*\*\*

**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.694 dated 14.12.2022 registered for the offences punishable under Sections 363, 366, 506 of IPC, 1860 (Sections 6 & 12 of the POCSO Act, 2012 & Sections 354-A, 363, 376(2)(n), 506, 120-B of IPC added later on) at Police Station Gannaur, District Sonipat.

2. The case set up in the FIR in question is as follows:-

*“FIR No. 694 dated 14.12.2022 u/s 363, 366, 506 of IPC 1860 Police Station Gannaur, District Sonipat. Sir, the facts of the present case are that on dated 14.02.2022, the applicant Bijrender came present in police station and presented a written complaint, which is as under: That To, the SHO, Sahib PS Gannaur, Subject:- My daughter is missed. I Bijender son of Maha Singh Rathi is resident of Purkhas Rathi, Tehsil Ganaur, District Sonapat. My daughter namely Neha D/o Bijender aged about 15 years, who on dated 13.12.2022 at around 12:00 (mid*

*night) was found missing. We searched the her everywhere, but could not succeed. The Subham @ Chota son of Suresh Gulia of our village used to stalk her daughter from many days and we tried to understand him but in vain. Subham also threatened us that if they intervened in the matter in that even he will kill us. It is requested to you that my daughter be got searched and we have full suspicion that Subham enticed and took away our daughter. Legal action be taken against him. I shall be highly thankful to you Sd/- Bijrender Rathi.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.12.2022 & investigation in the case is complete. Learned counsel for the petitioner has further argued that the testimony of the victim as also the complainant (father of the victim) has already been recorded. Learned counsel for the petitioner has referred, *in extenso*, to the statement of the victim made under Section 164 of Cr.P.C. as also her testimony recorded in Court on 07.02.2024 to argue that the role described to the petitioner is of blackmailing only. It is further argued that the FIR in question has been got registered by the father of the victim on account of his (father) not liking the friendly relationship between the victim and the co-accused (CCL). Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of 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 25.12.2022 whereinafter investigation was carried out & challan was presented on 15.02.2023.

Total 23 prosecution witnesses have been cited & culmination of the trial will take its own time. The testimony of the victim as also the complainant (father of victim) already stand recorded. This Court does not deem it appropriate to delve deep into the rival contentions of the learned counsel for the parties regarding the FIR in question having been got recorded by the father of the victim on account of his non-liking the friendly relationship between the victim & the co-accused (CCL). These rival contentions shall essentially be gone into during the course of trial. No tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The petitioner has been in incarceration since 25.12.2022 & no useful purpose would be served by keeping him in further detention. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

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 learned 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 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**

**February 13, 2024**

*poonam*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No