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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47730-2024 (O&M)
Date of Decision : 12.11.2024

Sonu ... Petitioner(s)
Versus
State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Himanshu Chhabra, Advocate for the petitioner.
Mr. Pankaj Midha, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. This is the second petition under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in
FIR No.486 dated 18.07.2021 under Section 346 of the Indian Penal Code,
1860 (Sections 363, 366A, 323, 328, 342, 343, 376(2)(n) IPC and Section 6
of the Protection of Children from Sexual Offences Act, 2012 added later on),
registered at Police Station Barwala, District Hisar, Haryana (Annexure P-1).
The first petition being CRM-M-54973-2022 filed by the petitioner was
dismissed as withdrawn vide order dated 06.12.2023.
2. Learned counsel for the petitioner would contend that the
petitioner has been in custody for a period of 03 years 02 months and 07 days
and that all the material witnesses have been examined and only the official
witnesses remain to be examined. It is further the contention of the learned
counsel that it is a case of consensual relationship.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 03 years 02 months and 07 days. It is further the contention of the learned State counsel that serious allegations have been made against the petitioner and that as per the custody certificate there is another case pending against him. However, the petitioner is already on bail in the said case. The learned counsel for the State is, however, not in a position to deny that out of 17 witnesses, 09 have been examined and that only the official witnesses remain to be examined.

4. Heard.

5. In the present case initially the FIR was lodged under Section 346 IPC. However, during investigation, Sections 363, 366A, 323, 328, 342, 343, 376(2)(n) IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 were added. The statements of the complainant as well as the Prosecutrix have since been recorded. Out of 17 witnesses 09 witnesses, including the material witnesses, have since been examined and the official witnesses are yet to be examined. As per the custody certificate the petitioner has been in custody for a period of 03 years 02 months and 07 days and though there is another case pending against the petitioner, he is already on bail in the said case. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial

Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

12.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO