

CRM-M-48299 of 2024

1

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

220

CRM-M-48299 of 2024

DATE OF DECISION :- 22.10.2024

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.S. Nain, Advocate
with Ms. Tanya Vashist, 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. 860 dated 26.12.2022, registered for the offences punishable under Sections 363 and 366 of IPC, later on challan filed under Sections 363,366 and 376(3) of IPC and Section 4 of POCSO Act at Police Station Sectors 32-33 Karnal, District Karnal.

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

"Copy of the complaint as under-To the SHO Police Station Sector-32-33 Karnal, Sir, it is requested that I Reeta wife of Monu, resident of Village Budakhera and District Karnal. That my daughter Nancy went to get Milk from Dairy on 25.12.2022 at around 7 pm in the evening and she has gone somewhere without informing anyone. We have strong suspicion that a boy named Vikas, resident of village Mangalpur has eloped with my daughter with the intention of marrying her. Calls used to



come several times from Vikas's Mobile No.82956-26391 on our home No. 7404016313. But since yesterday evening Vikas's mobile is switched off. Before leaving, Nancy had kept dark pink coloured pyjamas and long jersey with pants, she is wearing slippers in her feet. She is wearing a dark pink coloured shawl. Nancy is fair in complexion and has a round face. Her height is about 4 feet and 10 inches. We have searched for them on our own and have not found them yet. Hence, since you have requested that the above two should be searched for. Sd/- Reeta, Applicant, Mob. No.9817017450, 7404016313".

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.12.2022. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that the prime prosecution witnesses namely the victim as also the complainant/mother of the victim (when examined as prosecution witnesses) have turned hostile and hence the trial is not likely to culminate into conviction. Learned counsel for the petitioner has further argued that the petitioner is a young man aged 22 years with no criminal antecedents. 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 19.10.2024 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 29.12.2022 whereinafter investigation was carried out and challan stands presented on 14.01.2023. Total 17 prosecution witnesses have been cited out of which only two have been examined till date. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question & the weightage required to be attached to the testimonies of the hostile witnesses namely the victim and the complainant/mother of the victim; 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 19.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year and 09 months and 20 days & is not shown to be involved in any other 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

22.10.2024
P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No