

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-52903-2023
Date of decision: 23.01.2024

Rohit @ Rahul
V/s
State of Haryana
....Petitioner
....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raghav Sharma, Advocate,
for the petitioner.
Ms. Priyanka Sadar, AAG, 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.10 dated 13.01.2023, registered for the offences punishable under Sections 376(3), 452, 506 IPC & (Section 6 of the Protection of Children from Sexual Offences Act, 2012 was added later on) at Police Station Sadar Panipat, District Panipat.
2. The case set up in the FIR in question is as follows:-

“Copy of complaint is attached alongwith- To SHO PS Sadar Thanesar sir it is prayed that I am Bhagwanti w/o Rajender r/o Kachroli DIstt. Panipat. I d the labor work. I have 6 daughters, that my 5 daughters are married and they are staying in their matrimonial homes and my husband went to village Kabdi to buy medicine. That this occurrence is of 12.01.2023 at around 1.30 PM in the afternoon that my youngest daughter Varsha aged 16 years was alone at home that Rahul r/o village Tarpur on seeing

my daughter alone and forcibly committed rape upon her and when my daughter told him to tell all this to her family members then he threatened her to kill and told my daughter that he will also kill her mother and father that from this occurrence my daughter panicked a lot. That she did not tell us all this yesterday, that my daughter told about this incident today. Kindly take strict legal action against Rahul. Sd/- RTI Bhagwanti 8307670932 dt. 13.01.2023."

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 30.01.2023 wherein after completion of investigation, challan was presented & trial is underway. Learned counsel for the petitioner has further referred to & relied upon the testimony of the victim girl (PW-1) as also the complainant/mother of the victim girl (PW-2) to argue that both the material witnesses have turned hostile & in these circumstances, it is not likely that the trial will culminate into conviction. Thus, learned counsel for the petitioner has prayed for grant of regular bail.

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 accused is in custody since 30.01.2023; as per the custody certificate dated 22.01.2024, the petitioner has been in incarceration for a period of more than 11 months & is not shown to be involved in any other case. The rival contentions of the parties regarding the weightage required to be attached to the testimony of the victim & the complainant/mother of

the victim (who have turned hostile) will be seen during the course of trial. This Court does not deem it appropriate to delve deep into these allegations, at this stage, lest it may prejudice the rights of either parties. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner 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 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 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

January 23, 2024
poonam

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