



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208

CRM-M-51526-2024(O&M)

Date of Decision: 23.10.2024

Dharambir	Petitioner
Versus	
State of Haryana	 Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

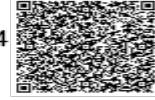
Present: - Mr. Diljinder Singh, Advocate for
Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 3rd petition under section 439 of Code of Criminal Procedure for grant of Regular bail to the petitioner in case FIR No. 330, dated 13.08.2023 (Annexure P-1) U/S 365 IPC 1860 (Sections 363, 366, 376 of IPC 1860 and Section 6 of Protection of Children from Sexual Offence Act, 2012 added later on) registered at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) has been registered on the basis of the statement made by the father of the victim with the allegation that his minor daughter aged about 17.5 years has been abducted. It is submitted that the petitioner has been falsely implicated in the present case. Even the name of the petitioner is not mentioned in the FIR. It is submitted that even the victim while appearing as PW1 has not supported the



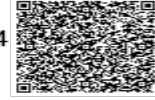
prosecution case in her testimony (Annexure P-4) and has categorically stated that she does not know anything about the present case and no-one abducted her neither anyone had committed any type of sexual assault upon her.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 24.08.2023 as undertrial. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner; and on instructions from L/ASI Suresh, informs the victim had gone missing on 13.08.2023 in respect of which father of the victim has registered the present FIR on 13.08.2023 itself. It is admitted that the petitioner is not named in the FIR. The victim has returned home on her own on the very next date itself i.e. 14.08.2023. As such, she has not been recovered from the custody of the petitioner. It is submitted that the victim in her statement under Section 164 Cr.P.C. has supported the prosecution case but in her testimony (Annexure P-4), she has turned hostile.

Learned counsel for the State, further informs that there are 18 witnesses in the present case, out of which 11 witnesses including the victim, have been examined so far. The next date of hearing before the learned trial Court is 28.10.2024.

Learned counsel for the State files custody certificate dated



22.10.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 01 month and 28 days.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the custody period of 01 year, 01 month and 28 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; and c) material witness i.e. the victim stands examined; and d) out of total 18 witnesses, 11 witnesses have been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Dharambir S/o Suresh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

23.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No