

2024:PHHC:000462

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-55926-2023

Date of decision:05.01.2024

Rohit Ram

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana

Mr. Dixit Vashisht, Advocate for the complainant.

SUMEET GOEL, J.

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.695 dated 14.09.2023 (Annexure P-1), registered for the offences punishable under Sections 341, 354-D, 506 IPC and Section 12 of the POCSO Act (added later on) (Section 8 of POCSO Act was deleted), at Police Station Indri, District Karnal.

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

“To Mr. SIO Sahib Ji Police Station Indri Karnal Sir, the request is that I am Muskaan D/O Rakesh Kumar, caste Valmiki, resident of Janessar, the thing is that my age is 16 years, I study in Indri Girls School. And a boy from our village, Rohit S/O Sanjeev caste balmiki, follows me while coming to Valmiki school, and he molests me Date 14-09-23. He stopped me on the way and started stalking me 1. Then he came to our house also and he beats us with sticks at our gate and is intoxicated with smack. I am very fed up with this. I am in danger of my life due to this. I request you to call him and take action. It will be your kindness. Name of the boy is Rohit, son of Sanjeev, caste, Balmiki village, Janesaro M.F. 7206855147- Applicant SD MUSKAN MI. 9467413092”

3. Learned counsel for the petitioner has argued that the petitioner is a young-man aged 24 years; the petitioner has no criminal antecedents; a

Panchayat compromise dated 18.10.2023 (Annexure P-2) has been effected between the parties & the petitioner shall not ever further indulge in such like activity.

4. Learned State counsel as also counsel for the complainant have 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. However, learned State counsel (on instructions) has admitted the factum of effecting compromise between the parties.

5. I have heard counsel for the parties and have gone through the records of the case.

6. The petitioner is a young-man aged 24 years and is on the cross-roads of his career with no criminal antecedents; the parties have entered into a compromise & there is no material on record to reflect likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The admissibility and relevance of the compromise as also the weightage (if any) required to be attached to the compromise will be adjudicated by learned trial Court at appropriate stage.

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 Court.
- (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/Illaqa 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 05, 2024
Ajay

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