



CRM-M-53286-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53286-2024 (O&M)
Date of Decision: 12.11.2024

LAKSHIT ALIAS LUCKY

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kapish Singla, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Munish Dev Sharma, Advocate
for complainant.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.139 dated 09.04.2024, registered for the offences punishable under Sections 354-A and 506 of IPC and Section 12 of POCSO Act, 2012 at Police Station Ganaur, District Sonipat.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Sir, the brief circumstances of the case are as follows that on 09-04-2024, the plaintiff Tanu daughter of Satbir resident of Ward No. 6 Hari Nagar Ganaur District Sonapat came to the police station and presented a written application details of which are as: To, S.H.O Police Station Ganaur Sonapat Sir, I Tanu Dio Satbir am a permanent resident of Ganaur Hari Nagar. I am a student of class 10th Class C. Sec. in Govt. Model Sanskriti Senior Secondary School. Priya Verma and Radhika were returning home from school after the school closed. There is a Janta School on the way. Two boys named Lakshit and Himansh were standing outside the school. Lakshit told Radhika to talk to the girl in the blue bag. The name of the girl in blue bag is Tanu. Then that boy asked that you use

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Instagram and Snapchat, I refused. Then my friend Radhika said that she is using Instagram, that girl Radhika gave her ID to Lakshit. Then Radhika called out to that boy and said Hey Mr. what is your name. At that time that boy told his name as Lucky. Then we came to our home, then in the evening between 4 to 5 pm a message came from Unknown No. he said Hello, I asked who is he. He said that from near Janta School. I asked from where did he got my No., he said that your friend Radhika gave it. Then I had a normal talk with him. Then on 11/2/24, I went to my friend's house to get science copy, after that she said that Anshika has taken my copy. Then Priya Verma said that let's go to her house to get the copy. While walking when reached near Janta School, I saw Lakshit and Himanshu standing at the grocery shop. I asked Priya Verma as to what they are doing here. She refused saying that she does not know. Then she said she remembered that yesterday evening Anshika had given my copy and went away and then at the same time suddenly came from behind and said hello to Priya and asked as to what are you doing here and Priya told her about the copy. Then at the same time Radhika's uncle came from behind and Radhika ran away after seeing her uncle and threatened by uncle that it should be known at his home that he has given Chocolate to Radhika on Chocolate Day. He started talking rudely to me and Lakshit was standing and watching. Lakshit then beat up that boy. When they had a fight, Priya Verma and I left from there. Suddenly Radhika came back from another street. We were walking while talking to each other. Then her uncle came from behind and he threatened me saying, "I will see you." Radhika went on a bike with her uncle. Then both Priya Verma and I were going. Lakshit came from behind and he had five more friends with him. One of the boys caught Priya's hand and took her to a side, Lakshit held my mouth and started taking me away. Two of Lakshit's friends were in the front and two were behind. Lakshit took me to a house. Lakshit locked the room from inside. Later his friends said, Lakshit, you enjoy, we are outside and we will not let anyone come inside. Then he raped me. When I tried to scream, he raped me by gagging my mouth. After that I got his call. I somehow ran away from there and they tried to catch me. Out of fear, I did not tell anyone at home. After that I blocked that boy's number. Then he threatened me from a different mobile number and said that if I tell anyone at home then he will kill me. Even then he used to notice me outside the school. After a few days, my friend Radhika sent me a WhatsApp message asking me to give her copy. I went to my friend's house to give the copy. It was around 11.00 pm. after giving the copy I started to walk from there and she asked me to drink some water which I refused. Then on her insistence I drank water and then we started talking. Then at the same time Priya Verma came to Radhika's house. While talking I started feeling dizzy and fell down. Then I don't know what happened to me. When I came out of her house I found Lakshit and his friend outside. On seeing me, they started laughing. I came straight to my house. After a few days. I got a normal call from a different mobile number and said that I have sent you a photo. When I saw the photo, my photo was taken without clothes. My eyes were closed in that photo. I was not in my senses in the photo. By showing that photo, blackmailed and said that talk to me or else I will make your photo viral. Keep making me happy and he immediately deleted the photo. I said that if my house they will beat me up a lot. Then Lakshit said that if something happens to you then no one will be spared. Then after a few days he made a WhatsApp call from the same number and threatened to kill me. If you tell anything to anyone then I will kill you. Then after a few days he made a WhatsApp video call on the phone which was picked up by my mother. After seeing my mother's face he disconnected the phone and my family members came to know and I told the whole thing to my mother. After that my family members started saying that if we take any legal action then we will be disgraced in the society but that boy disgraced us a

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lot in the society which came to our knowledge from some other persons. That boy has told them that I have quenched my thirst with Tanu and raped her a lot. Neither her family nor the police can do anything to me. And as soon as I get a chance, I will kidnap Tanu anytime. In this way we have been insulted a lot in the society. Legal action should be taken against those who have done wrong to me and against those who have cooperated in this wrong act. Name- Tanu D/o Satbir, Address- Hari Nagar, Ganaur Phone-9050051505 Dated 8/4/2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.04.2024. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that a challan (final report) has been put up by the police against the petitioner in respect of offences under Sections 354-A/506 of IPC and Section 12 of POCSO Act which is punishable with a maximum sentence of three years. Learned counsel for the petitioner has iterated that the petitioner is a young man aged 19 years with no criminal antecedents. Thus, regular bail is prayed for.

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.

5. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations against the petitioner are serious in nature & hence he ought not to be granted the concession of regular bail. Learned counsel for the complainant has submitted that the police has carried out a completely botched up investigation and other culprits have been let free for which steps have been/are being taken by the complainant. Learned counsel for the complainant has expressed his apprehension that in case the petitioner is

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released on bail, he may harass/intimidate the witnesses as also the complainant/victim.

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

7. The petitioner was arrested on 15.04.2024 whereinafter investigation was carried out & challan was presented on 28.05.2024. Total 31 prosecution witnesses have been cited and culmination of the trial, but of course, will take its own time. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question; 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 remaining prosecution evidence. As per the custody certificate dated 11.11.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 06 months and 27 days & is not shown to be involved in any other case. The petitioner is a young man aged 19 years. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

8. 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

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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/Illaqa Magistrate.s
- (vii) The petitioner shall not in any manner try to delay the trial.

9. Liberty is reserved in favour of the victim as also the complainant to seek police protection from Commissioner of Police, Sonipat, in case it is so required by them. Upon an application being given to the Commissioner of Police, Sonipat by the victim/complainant, the said Commissioner shall take a ratiocinated decision thereupon within three days from the receipt of such application as also take further action thereupon as required.



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10. 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.
11. Ordered accordingly.
12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
13. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

12.11.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No