



CRM-M-53716-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-53716-2024
Date of decision: 12th December, 2024

Rajender Singh @ Rajendra Singh
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sourabh Kaushik, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition present for grant of regular bail as filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 727 dated 27.09.2022 registered under Sections 363, 366, 323, 386, 120-B and 414 of IPC, 1860 at Police Station Sector 58, Faridabad. His first bail petition had been dismissed vide order dated 29.07.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had initially been registered under Sections 363 and 366-A of IPC, on the complaint that the victim who was minor daughter of complainant had gone missing from her house on the



night of 22/23.09.2022. She was recovered during investigation. Her statement under Section 164 of Cr.P.C. was recorded, wherein she took the name of the son of the present petitioner and three more persons who had committed wrong act with her and also alleged that the present petitioner was involved with them. The petitioner had been arrested on 26.03.2023. Presently, he is facing trial for commission of offences punishable under Sections 323, 363, 366 and 386 read with Section 120-B of IPC, Sections 6 and 12 read with Section 17 of POCSO Act and alternatively under Section 376 read with Section 109 of IPC. He had moved an application for seeking bail, which had been dismissed vide order dated 15.11.2023.

3. It is argued by learned counsel for the petitioner that he is in custody since 26.03.2023. Investigation stands completed. Trial is likely to take time. The allegations against him are of abetting the commission of offence of aggravated penetrative sexual assault by the co-accused upon the prosecutrix. His further detention would not serve any useful purpose. He is ready to abide by the terms and conditions to be imposed by this Court. A substantive period has been spent by him in custody which is sufficient to extend him benefit of bail. Therefore, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-AAG, Haryana. It is argued by learned AAG, Haryana that the petitioner abetted the commission of act of aggravated penetrative sexual assault upon the victim by supporting the co-accused- Sher Singh, who is his son. His son has been declared a proclaimed person. There is no substantial change in the circumstances.



There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. The complainant appeared in person. He furnished a sworn affidavit to the effect that the victim is to get married on 21.01.2025. There are chances of petitioner's causing obstructions in peaceful performance of ceremonies of her marriage, if released on bail. There are also chances of his intimidating the witness and hence, it is stressed that the petitioner may not be extended benefit of bail.

6. I have heard learned counsel for the petitioner, learned AAG, Haryana and complainant at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have entered into a conspiracy with the co-accused Sher Singh who is his son and who is absconding and in pursuance of that conspiracy, the co-accused is alleged to have kidnapped and subjected the victim to act of aggravated penetrative sexual assault. The petitioner is in custody since 26.03.2023 i.e. since a period of about one year and nine months. Investigation stands completed. Trial against the petitioner has commenced. The main allegations against him are that of abetting commission of act of aggravated penetrative sexual assault by the co-accused Sher Singh, who is his son and is now absconding. He is behind bars since 23.03.2023. None of the prosecution witnesses has been examined so far. The trial is likely to take time. It is only after thorough assessment of the evidence to be produced on record that the question of involvement of



the petitioner in the commission of subject offences would be determined. Taking into consideration the period of incarceration of the petitioner, the nature of the allegations as levelled against him and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, lest the same prejudice the trial, the petitioner is ordered to be released on bail during trial subject to his furnishing personal/surety bonds to the satisfaction of the Illaqa Magistarate/trial Court/Duty Magistrate concerned, subject to the condition that he will not visit in the vicinity, wherein the victim resides or will reside after her marriage, shall not try to contact the victim or her family members or will not cause any kind of obstruction whatsoever in performance of her marriage ceremonies or subsequently and will also not try to induce or intimidate the witnesses.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th December, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No