



months pregnant and when I questioned my daughter regarding this then she told me the name of above-mentioned Vishal@ Pradhan and above-mentioned accused threatened my daughter that if she take any action then he will kill applicant's son and applicant and also applicant's daughter. 3 That there is a threat to my and my family's life from the above-mentioned accused and he did an disgusting act with my daughter so he should be punished for his wrong deed. Hence, I prayed to you that kindly take immediate legal action against the above- mentioned and protect my and my family's life so that in future he cannot fall foul of other innocent girls. I will be highly grateful to you. SD RTI Israt Applicant :- Ishrat W/o Irfan Rio Vikas colony Street no.22, Karnal Mobile no. 9142674786 dated 03-06-2024 registered at this time that I Lady ASI Pravesh Kumari is present at Police Station that a written complaint was registered by Israt W/o Irfan Rio Vikas colony Street no. 22. Karnal by phusically coming to police station against Vishal Pradhan Sio unknown Rio unknown regarding committing rape with complainant's daughter Israna and threatening to kill her. That from the contents of the complaint, commission of offence under Sec-506 of IPC and Sec-6 of POCSO Act has been found so, case no 330 dated 05.06.2024 under Sec-506 of IPC and Sec-6 of POCSO Act Police Station Sec-32 33 Karnal has been registered I ASI Pravesh Kumari have kept the copy of the police file along with original complaint in my custody because there is no capable officer in the present case and will be given to capable officer in future. The remaining First Information Report is being sent to the officers as special report via e-mail."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.06.2024. Learned counsel for the petitioner has further argued that the petitioner is a young man aged 24 years with no criminal antecedents. Learned counsel for the petitioner has further argued that there was consensual friendship between the petitioner and the victim which not to



the liking of the family of the victim and, therefore, the FIR in question was got registered against the petitioner on behalf of misunderstanding between the petitioner and the victim-side. Learned counsel for the petitioner has further submitted that the said misunderstanding has now been resolved & reliance in this regard is placed upon the Panchayati compromise deed (a copy whereof has been annexed as Annexure P-2 with the instant petition), affidavit of one Karan Singh-father of the petitioner (a copy whereof has been annexed as Annexure P-3 with the instant petition) as also the complainant and the victim (copies whereof have been annexed as Annexures P-4 and P-5 with the instant petition). In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Mr. Samar Ahluwalia, Advocate has appeared through video conferencing and has filed vakalatnama for complainant and victim-respondents No. 2 and 3. The same be taken on record.

Learned counsel for the complainant and victim-respondents No. 2 and 3 has ratified the aspect of the Panchayati compromise deed dated 08.07.2024 as also the affidavits (copies whereof have been annexed as Annexures P-4 and P-5 with the instant petition) affirmed by the complainant and the victim.

5. 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. Learned State counsel seeks to place on record custody certificate dated 16.11.2024 in Court, which is taken on record.

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

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7. The petitioner was arrested on 28.06.2024 whereinafter investigation was carried out and challan stands presented on 26.08.2024. Total 23 prosecution witnesses have been cited and charges are yet to be framed. It is, thus, indubitable that the culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim, whether the FIR in question is arising out of a misunderstanding between the petitioner and the victim-side as also the weightage/veracity required to be attached to the Panchayati compromise (a copy whereof has been annexed as Annexure P-2 with the instant petition) and affidavits of rival parties (copies whereof have been annexed as Annexures P-3 to P-5 with the instant petition); 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 prosecution evidence. As per custody certificate dated 16.11.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period of 04 months and 18 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present 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 cell-phone 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.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

19.11.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No