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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211 **CRM-M-59938 of 2024**
DATE OF DECISION :- 05.12.2024

Amit **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Anmol Sharma, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.131 dated 20.04.2024, registered for the offences punishable under Sections 363, 376(2)(n) and 366 (added later on) of IPC and Section 06 of POCSO Act (added later on) at Police Station Sector-13/17, District Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*“First Information contents:
Contents of the application are as under: "To The SHO Sahab, Police Station Sector 13/17, Panipat, Sir. It is requested that 1, Surender Kumar son of Shri Ramphal, am resident of village Babail, District Panipat. I do labour work. I have two daughters and one son. My elder daughter Nilakshi, aged 17.5 years studies in 10-2 class in Government School in village Babail itself. On dated 19.04.24 in night at about 11.00, I did not find*



my daughter Nilakshi at home. I have full suspicion that Amit son of Kura Ram, resident of Babail, Panipat has taken away my daughter Nilakshi with him by alluring with intention to perform marriage. After taking legal action against him, my daughter Nilakshi may be got recovered. Colour of the girl Nilakshi is fair, long face, thin body, mule sign near Thodi and she is about 17.5 years of age, who is wearing black coloured suit and Hawai Chappals in her Feet Amit's PH NO.9050312080. Applicant Surender Kumar, Surender Kumar son of Ramphal (44) Dated 20.04.24 MOB.NO.9896385454, At Police Station On receipt of the application in the police station, after registering FIR No.131 dated 20.04.2024, under Sections 363. 366-A IPC in Police Station Sector 13/17 HUDA. Panipat, computerized copies of the FIR have been prepared. After taking copy of police file alongwith original application in my custody for conducting the investigation, 1, ASI alongwith HC/PPT with complainant of the case, proceed to the place of occurrence. Remaining copies of the FIR as special report are being sent through Email ID to the Illaqa Magistrate Sahab as well as higher officers. The aforesaid case has been registered in the CCTNS Code of SHO Sahab in the presence of ASI Ramesh Kumar No.66/PPT, Police Station Sector 13/17, Panipat. Investigating Officer ASI Ramesh Kumar No.66/PPT Mob. No.8708770768.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.04.2024. Learned counsel for the petitioner has further argued that there was consensual friendship between the petitioner and the victim and on account of misunderstanding arising there from the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further referred, in extenso, to the statement made by the victim under Section 164 of Cr.P.C before the concerned Judicial Magistrate

recorded on 20.04.2024 that there was no sexual assault committed upon the



victim by the petitioner. Learned counsel for the petitioner has further submitted that the petitioner is a young man aged 23 years with no criminal antecedents. In this view of the matter, learned counsel has prayed for grant of regular bail.

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. Learned State counsel seeks to place on record custody certificate dated 04.12.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 24.04.2024 whereinafter investigation was carried out and challan stands presented on 17.06.2024. Total 19 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time as none of the prosecution witnesses have been examined till date. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question, whether there was consensual friendship between the petitioner and the victim, on misunderstanding arising therefrom, the petitioner has been falsely implicated into the FIR in question as also the weightage required to be attached to the statement made by the victim under Section 164 of Cr.P.C. vis-a-vis her statement likely to be recorded as a prosecution witness; 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

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justice or interfering with the prosecution evidence. As per custody certificate dated 04.12.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period of 07 months and 10 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.

7. 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.

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



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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

05.12.2024
P.Singh

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