

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

**CRM-M-65362 of 2023
DATE OF DECISION :- 10.01.2024**

Amit **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

SUMEET GOEL, J. (Oral)

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.442 dated 22.06.2022, registered for the offences punishable under Sections 363,366-A IPC (Later on Sections 376(2) (n), 376(3) IPC and Section 6 of POCSO Act, 2012 added) at Police Station Kundli, District Sonipat.
2. Counsel for the petitioner submits that the petitioner is in custody since 24.01.2023; after investigation challan was presented on 24.03.2022 wherein total 26 prosecution witnesses were cited; 18 witnesses stand examined out of above said 26 witnesses.
3. Learned counsel for the State opposes the prayer made by learned counsel for the petitioner stating the petitioner is not entitled to the concession as prayed for.
4. I have heard counsel for the parties and have gone through the available records of the case.

5. While making statement under Section 164 of Cr.P.C on 23.1.2023, the prosecutrix had not raised any allegation of forcible act alleged to have been committed by the petitioner; while appearing in the Court as PW1 on 15.09.2023, the prosecutrix has resiled and she was declared as hostile by the public prosecutor. In facts and circumstances of the case especially when all the private witnesses stand examined, therefore, in my considered opinion, further detention of the petitioner is not warranted.

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

7. 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.
8. Ordered accordingly.
9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

10.01.2024
P.Singh

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