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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 10.01.2024

Vishwas

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saleem Ahmed, 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.052 dated 14.02.2023, registered for the offences punishable under Sections 363, 366 IPC and Sections 6, 17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 at Police Station Sector 31, Faridabad, District Faridabad.

2. The case set up in the FIR in question is as follows:-

“ To the SHO, Police Station, Sector-31, Faridabad. Sir, it is requested that my name is Rani Devi wife of Late Shri Jagdish Mehto R/o Rajiv Nagar, Faridabad. That on 13.02.2023, my daughter, whose age is 16 years is missed from the house that I am fully confident that Vishwas son of Anand has abducted my daughter, who is residing in Santosh Nagar. That my daughter had worn white jacket and T-shirt, Black colour Jeans and green sleeper, her colour is wheatish, slim body and height is 5' 2". It is requested you to get search my daughter. That I have fully confident that Vishwas has kidnapped my daughter by alluring and with the

intention to marry with her. Legal action be taken against him. Sd/- Rani Devi. 9667831306. On receiving of above application at police station FIR No. 52 dated 14.02.2023 U/s 363, 366-A IPC registered at police station, Sector-31, Faridabad. After preparing the copies of FIR from the computer, the same are sending through special constable Deepak 2459 to Illaqa Magistrate and concerned officers for information. ASI, Rajesh 3208 along with original copy and complainant is proceeding to the occurrence place for further investigation. This FIR has been registered in the presence of ASI, Rajesh 3208.”

3. Learned counsel for the petitioner contends that the petitioner is in custody since 09.04.2023; challan already stands presented on 05.06.2023 wherein total 22 prosecution witnesses have been cited & material prosecution witnesses have already resiled, it does not appear to be a case of conviction and in all likelihood, trial is likely to result in acquittal of the petitioner. Thus, it is argued that no useful purpose would be served by keeping the petitioner behind the bars.

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

6. Investigation has already completed and the trial is underway wherein complainant (PW-2) and the victim (PW-1) have resiled from the prosecution version. The veracity of their resiling from the prosecution version will be adjudicated upon during the course of trial. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the

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prosecution evidence. Hence, in my considered opinion of this Court, further detention of the petitioner is not warranted.

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 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.

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 State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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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

January 10, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No