

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-92-2024

Date of decision:11.01.2024

Sahil

...Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Govind Chouhan, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J.

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.45 dated 17.01.2023, registered for the offences punishable under Sections 120-B, 363, 366-A, 506 IPC and Section 6 of POCSO Act at Police Station Sadar, Karnal, District Karnal.

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

“That the brief facts of the case are that on 17.01.2023, I ASI Sanjay Kumar is present at Police Station then Pooja wife of Rinku Kumar, resident of Kachhwa, Police Station Sadar Karnal, District Karnal came at Police Station and submit an application, which is as under:- To, The SHO, Police Station Sadar Karnal. Sir, It is requested that I am Pooja wife of Rinku Kumar, resident of Kachhwa. I have four daughters and one son. My elder daughter namely, Bhawna, aged 15 years, is missing from home on 16.01.2023 at around 1 pm. I left my daughter at home around 1 o'clock. for till today along with my family. Regarding which, I have come to know that my daughter has been lured by Shanky son of Veda, resident Sambhali with the intention of marrying her. My daughter should be searched and legal action should be taken against the accused Shanky. Sd/- Pooja RTI, 7027445592. 8222817667, dated 17.01.2023.”

3. Learned counsel for the petitioner has argued that the investigation in the case is already complete & challan has been presented. He has further argued that the petitioner-Sahil has not been attributed any specific incriminating role and the main allegations are against co-accused-Shanky. Thus, 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. The petitioner is in custody since 04.02.2023; challan has been presented on 17.03.2023, wherein total of 20 prosecution witnesses have been cited and the trial is underway. The aspect of the role having been played by the petitioner-Sahil in the allurement and assault upon the prosecutrix will be gone into 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 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.

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 11, 2024
Ajay

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