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CRM-M-62897-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62897-2024 (O&M)

Date of Decision: 19.12.2024

ANMOL

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Edward Augustine George, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

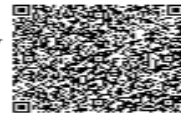
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SUMEET GOEL, J. (Oral)

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.90 dated 01.06.2024, registered for the offences punishable under Section 365 of IPC (Sections 354-A/376/506 of IPC and Sections 4/8 of POCSO Act added later on) at Police Station Bahu Akbarpur, Rohtak.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, S.H.O P.S. Bahu Akbarpur (Rohtak). Respected Sir, it is requested that I am Suresh S/o Dayal Singh, R/o village Bahu Akbarpur. On 31.05.2024 at 9:30 pm, my wife and I slept upstairs on the terrace and my elder daughter Pooja, Jyoti, and boy Aman slept downstairs. When we checked around 12:00 A.M. at night, I did not find my daughter Jyoti sleeping at home. I searched around but couldn't find any trace of my daughter. My daughter Jyoti age 17 years and 4 months (Date of birth is 27.01.2007) My daughter Jyoti has also taken my phone, number 9050982475 Appearance: Dark complexion, long face, slim. wearing blue coloured suit-salwar, height: 5 ft 3 in, education: 12th pass. You are requested to search for my daughter. I do not want any kind of telecast due to public shame regarding my daughter Jyoti's disappearance. Sd/- Suresh, Complainant Suresh S/o Daya Singh Village Bahu Akbarpur Tehsil and village (Rohtak) Mob. No. 9817795077 Date: 1-6-2024.”



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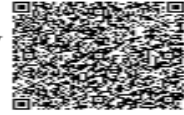
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3. Learned counsel for the petitioner has argued that the petitioner is in custody since 07.06.2024. Learned counsel for the petitioner has submitted that there was consensual friendship between the petitioner and the victim which was not to the liking of the family of the victim and hence the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the prime private prosecution witnesses, namely, the victim, father of the victim/complainant as also mother of the victim have turned hostile & hence in all likelihood the trial is not likely to culminate into conviction. Thus, the regular bail is prayed for.

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 was arrested on 07.06.2024 whereinafter investigation was carried out & challan was presented on 30.07.2024. Total 19 prosecution witnesses have been cited out of which all private prosecution witnesses stand examined. It is not in dispute that the prime prosecution witnesses, namely, the victim, father of the victim/complainant as also mother of the victim have turned hostile. The rival contention of the 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 as also the weightage required to be attached to the testimony of the prime prosecution witnesses,

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victim; 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 remaining prosecution evidence. As per the custody certificate dated 18.12.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 06 months and 12 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 present case.

7. In view of totality of factual matrix of the present case, the instant 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.



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(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.

19.12.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No