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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2685-2025
Decided on : 25.02.2025

Suraj . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhimanyu Singh, Advocate and
Mr. Mudit Johar, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Suraj	674	07.11.2023	377, 511 of IPC and Section 6 of POCSO Act,	Sadar Bhiwani	Bhiwani

2. On the previous date of hearing, i.e., on 23.01.2025, following order was passed:-

“ Court is informed that the petitioner is inside jail since June, 2024 and despite giving three opportunities, material witnesses, i.e. victim and his mother have not come forward before the Court to depose. Resultantly, non-bailable warrants (NBWs) have been issued for 04.02.2025.

Adjourned to 25.02.2025.

The concerned Senior Superintendent of Police would ensure the



protection of the witnesses for the purpose of recording of their statements on the date already fixed.

Further, the Trial Court would also make it sure that the statement of concerned Doctor would also be recorded alongwith the statement of victim and his mother.”

3. Today, learned State counsel informs that in pursuant to the direction passed by this Court, victim and his mother, have already been examined, however, the concerned Doctor is yet to be examined.

4. Learned counsel for the petitioner submits that the prosecution has placed reliance upon the medical evidence, which is appended with the present petition as Annexure P-3. Further submits that the said medical opinion, shall require its proving before the trial Court through the deposition of the concerned Doctor, yet for the purpose of seeking concession of regular bail, learned counsel for the petitioner refers to the medical record. He

It is submitted that from the perusal of the said report, no comments can be made regarding the injuries, as the Doctor did not observe any injury upon the victim. In the Doctor's opinion, the recorded findings are as follows:

" NO CONGENITAL ANOMALY SEEN. PERIANAL RUGOSITY SEEN. NO ANAL INJURY MARK SEEN."

5. Learned counsel also refers to the medical opinion dated 31.01.2024 given by the Doctor upon the application moved by the Investigating Agency.

6. Without making any observations on the medical opinion, but by considering the fact that the material witnesses i.e. victim and complainant, as stated by learned State counsel, have already been



examined, I deem it appropriate to consider the plea of bail.

7. Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. However, it is made clear that in case any unwarranted effort is made by the petitioner to harm the victim/complainant or their family members, immediately, cognizance would be taken by the Superintendent of Police, Distt. Bhiwani, and cancellation of the present bail order shall be sought.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 25, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No