

**CRM-M-9355-2024 (O&M)****-1-**

109+266

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-9355-2024 (O&M)**

Date of Decision:- 10.07.2025

Vijay

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Rahul Singh, Advocate
for the petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

AMARJOT BHATTI, J.(Oral)**CRM-33670-2024**

This is an application filed under Section 482 Cr.P.C. for placing on record order dated 17.07.2024 (Annexure P-18), 24.07.2024 (Annexure P-19), statement of Public Prosecutor dated 24.07.2024 (Annexure P-20) and affidavit of Station House Officer dated 24.07.2024 (Annexure P-21).

For the reasons enumerated in application, same is allowed. Accompanying documents i.e. Annexures P-18 to P-21 are taken on record, subject to all just exceptions.

Main case

1. Petitioner – Vijay has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 77 dated 13.02.2020 under Section 363 and 366-A of IPC (to which Section 328, 376 of IPC and Section 4 & 6 of POCSO Act, 2012 added later-on) registered at Police Station Gharaunda, District Karnal.

**CRM-M-9355-2024 (O&M)****-2-**

2. Facts of the case are, complainant 'PK' filed written complaint against Vijay alleging that on 12.02.2020 at about 03:00/04:00 O' clock his daughter 'S' had gone to the market but did not return home. They failed to locate her whereabouts. Victim 'S' was about 16 years of age. On 13.02.2020, they came to know that victim was with Vijay. She also took away cash of Rs. 50,000/- and a mobile phone while leaving the house. With these allegations, present FIR was registered.

During investigation, victim was produced on 19.03.2020 by her parents. Counselling of victim was done from legal aid lady Advocate Smt. Shakuntala. Her statement was recorded by learned Judicial Magistrate Ist Class, Karnal under Section 164 Cr.P.C. Later-on, offences under Section 328, 376 of IPC and Section 4 of POCSO Act were added. Victim was also medically examined. After completion of investigation, challan was presented in Court. Subsequently, during checking of challan, offence under Section 6 of POCSO Act was also added.

3. Learned counsel for petitioner argued that Vijay was arrested on 18.08.2020 and till date he is behind the bars. Trial in this case may take time. Material witnesses have been examined. Statement of complainant has been recorded as PW-1, which is Annexure P-6. During trial, victim was given up by learned State counsel as her presence could not be procured. Petitioner is ready to abide by terms and conditions of bail order. Therefore, his regular bail petition may be allowed.

4. On the other hand, learned counsel representing State opposed regular bail filed by petitioner on the ground of gravity of offence. It is stated that petitioner was arrested in this case on 18.08.2020. After

**CRM-M-9355-2024 (O&M)****-3-**

completion of investigation, challan was prepared on 04.11.2022. Out of 23 prosecution witnesses, 14 witnesses have been examined including complainant. It is confirmed that victim was given up in view of affidavit furnished by SHO, Police Station Gharaunda, Karnal. Case is still pending for remaining prosecution evidence.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that petitioner is behind the bars since 18.08.2020. As per custody certificate dated 14.05.2024, his custody was of 03 years 08 months and 26 days. Now approximately 04 years and 10 months. It is matter of record that statement of complainant has been recorded, which is Annexure P-6. However, testimony of victim could not be recorded as she could not be located. There is affidavit of Inspector Jangsher Singh, Mark-A, on the basis of which learned Public Prosecutor give up the victim as witness. From the report given by learned trial Court, it is revealed that from February 2021 onwards, there were several efforts on the part of trial Court to procure service of victim. Considering the long custody of petitioner and without going on the merits of case, regular bail petition filed by petitioner Vijay is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

10.07.2025*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No