



CRM-M-28594-2024

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210 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28594-2024

Date of decision: 21.07.2025

NITESH

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. M.S. Dua, Advocate for
Mr. Himanshu Joshi, Advocate
for the petitioner.

Mr. Viney Saini, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.0165, dated 21.04.2024, under Sections 365, 376(2)(n), 468, 420 and 201 of IPC and Section 6 of POCSO Act, 2012 (Annexure P-1).

2. As per facts of the case, complainant 'R' gave her statement that her elder daughter i.e. victim aged about 17 years left the house on 20.04.2024 at 6.00 p.m., by taking away Rs.14,000/- kept for daily expenses of the house along with Nitesh without telling anyone. The complainant submitted that her minor daughter be recovered. With these allegations, FIR was registered under Section 365 of IPC.

During investigation of this case, as per status report, the complainant produced her daughter/victim on 24.04.2024. Her statement was recorded in the presence of legal aid counselor Child Welfare Committee under Section 164 of Cr.P.C. She was also medically examined. Accused was arrested on 25.04.2024 and after completion of



investigation, challan was presented in the Court.

2. Learned counsel for petitioner raised the issue that all allegations levelled against him are false. The petitioner and the daughter of complainant fell in love. They wanted to live under one roof. They fled away from the house on 20.04.2024 and went to Rishikesh. The alleged victim was happy with the petitioner and she had shared photographs with her mother. He is behind the bars since 26.04.2024. Matter has been compromised and affidavit of the complainant is Annexure P-2. Petitioner was granted interim bail for six weeks on account of serious ailments of his mother. He has surrendered back on 10.07.2025. He has never misused the concession of bail granted in his favour. At present statements of victim as PW-1 and complainant-mother of the victim as PW-2 have been recorded where they have not supported the prosecution case. Copies of their statements are annexed as Annexure A-1. He will abide by the terms and conditions of bail order. Therefore, his regular bail petition may be allowed.

4. Bail application is opposed by learned counsel representing State. Status report has been filed. It is pointed out that on completion of investigation, challan was presented in the Court and charges framed on 09.09.2024. Out of 20 witnesses, three witnesses have been examined. It is pointed out that statement of victim was recorded under Section 164 Cr.P.C. (Annexure R-2) where she had confirmed the allegations. However, during the recording of statements before the trial Court the complainant as well as victim were declared hostile.

5. I have considered the arguments and have gone through the record carefully. Trial in this case is under progress. Till date, only three



prosecution witnesses have been examined. The victim as PW-1 and her mother as PW-2 did not support the prosecution case and were declared hostile. Copies of their statements is Annexure A-1. Trial in this case may take long time. Testimony of witnesses recorded before the trial Court will be appreciated at appropriate stage. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by the petitioner – Nitesh 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.

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

(AMARJOT BHATTI)
JUDGE

21.07.2025

monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |