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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-32712-2024
Date of Decision: 29.01.2025**

Sachin

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Kumar Gupta, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.550 dated 01.09.2023, under Section 4 of the POCSO Act and Sections 34, 376, 506 of the IPC (charges were framed under Sections 363, 366, 376(2) (n) and 506 IPC and Section 6 of the POCSO Act), registered at Police Station Old Industrial Panipat.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for 1 year and 4 months and the prosecutrix and her father, who is the complainant, have already been examined. He further submitted that considering the custody of the petitioner and the fact that trial of the case is not going at a proper pace because learned trial Court has rather taken coercive measure to get the presence of the I.O. for deposition, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG,

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Haryana has vehemently opposed the grant of regular bail to the petitioner on the ground that such a bail petition cannot be allowed in the absence of impleading the complainant/victim as a party since the age of the prosecutrix was 14 years at the time of occurrence. He further submitted that during the course of examination, the prosecutrix and her father have fully supported the prosecution version and it is a case where the petitioner has allegedly enticed away a 14 years old minor girl and considering the seriousness and gravity of the offence and the fact that the prosecutrix has supported the prosecution, the petitioner does not deserve the concession of regular bail and there is a likelihood that in case the petitioner is released on bail, then he may not only abscond or flee from justice but may even influence the remaining witnesses.

4. I have heard the learned counsels for the parties.

5. It is a case where the custody of the petitioner is 1 year and 4 months and the prosecutrix and her father, who is the complainant, have been examined. A perusal of the FIR would show that there is a direct allegation levelled against the petitioner. The complainant has not been impleaded as party in the present case, despite the fact that the prosecutrix was of the age of 14 years at the time of occurrence. Even otherwise also, as per the learned State counsel, the prosecutrix and her father have fully supported the prosecution version.

6. This Court without observing anything on the merits of the case is of the considered view that considering the nature of allegation levelled against the petitioner and the age of the prosecutrix being 14 years and also considering the gravity and seriousness of the offence, the petitioner does not deserve the concession of regular bail. Furthermore, the apprehension as expressed by the learned State counsel also cannot be ignored and carries



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weight.

7. Consequently, finding no merit in the present petition, the same is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.01.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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