



CRM-M-38130-2024

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

CRM-M-38130-2024

Date of Decision:-16.01.2025

Dhawal Verma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gaurav Sethi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Dhawal Verma has filed second petition under Section 439 of Cr.P.C. grant of regular bail in FIR No.454 dated 03.09.2022, under Sections 4, 6, 8, 12 of POCSO Act and Section 66-E of I.T. Act, registered at Police Station Baldev Nagar, District Ambala (Annexure P-1).

2. As per the facts of case, prosecutrix aged about 16 years and 11 months gave her statement that she was studying in 12th Class. About 1 ½ year ago, she came in contact with Dhawal Verma who used to visit his maternal uncle as he was tenant in their house. They became good friends and exchanged their phone numbers. They used to talk to each other and meet in the Herbal Park and Restaurant. They used to talk on video call.

Dhawal Verma compelled her to remove her clothes on video call and he



took screen shots. Thereafter, he started black-mailing her that he would show her photographs to all in case she stopped meeting him. He used to come to her house in the absence of her family members. She claimed that he used to follow her and even kissed her but they did not have physical relations. With these allegations, present FIR has been registered.

Later on investigation was carried out and thereafter offence under Section 6 of POCSO Act was also added.

3. Learned counsel for petitioner argued that version put forward by the prosecutrix is not trustworthy. She has taken contrary stand at different stages. He referred to contents of FIR, statement under Section 161 Cr.P.C. and statement under Section 164 Cr.P.C. (Annexure P-1 to P-3 respectively), where there was no allegation of physical relation but later on the prosecutrix levelled allegations of physical relations. He was apprehended in this case on 03.09.2022 and the prosecution has failed to conclude the trial. His custody is of two years and three months. Statement of prosecutrix is already recorded. He is ready to abide by the terms and conditions of bail order. Therefore, his second regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. It is pointed out that there are serious allegations against the petitioner. The prosecutrix was minor at the time of alleged offence. She was produced before the Illaqa Magistrate for recording of her statement and was also taken to Civil Hospital, Ambala City for medical examination. The investigating officer collected photocopy of screen shots clicked by the petitioner during video call and the same were identified/confirmed by



mother of the victim. After completion of investigation challan report was presented on 21.10.2022. After framing of chargesheet prosecution evidence is being recorded by learned Principal Magistrate, Juvenile Justice Board, Ambala and till date 05 prosecution witnesses have been examined. Considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. It is not disputed that at the time of alleged occurrence, present petitioner was Juvenile and the prosecutrix/victim was also minor. Trial is pending before the Juvenile Justice Board, Ambala under the provisions of POCSO Act as well as I.T. Act. Petitioner is behind the bars since 03.09.2022. His bail application was declined vide order dated 19.12.2022 (Annexure P-6) and appeal was also dismissed by the Children Court vide order dated 04.01.2023 (Annexure P-7). Criminal revision preferred against this order was dismissed as withdrawn on 29.05.2023 (Annexure P-8). Again petitioner applied for regular bail before learned Additional Sessions Judge, Fast Track Court which is again dismissed vide order dated 05.07.2024 (Annexure P-9) and thereafter, present regular petition has been filed. As per record, present petitioner is behind the bars for the last two years and three months. Challan was presented on 21.10.2022 and trial is pending before the Juvenile Justice Board, Ambala. At present, statement of the victim has been recorded which is Annexure P-10. Trial in this case may take long time.

6. Considering the aforesaid facts, regular bail petition filed by petitioner – Dhawal Verma 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. He is directed to give undertaking that he will not contact the prosecutrix/victim personally or by any means.

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

16.01.2025
Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No