



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212+105

CRA-S-2918-2024 (O&M)
Date of decision: 07.02.2025

ANKIT

...Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. M.S. Kundu, Advocate
for the appellant.

Mr. Rahul Dev Singh, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J.

1. The present appeal has been filed by the appellant assailing the order dated 22.07.2024, passed by the learned Additional Sessions Judge, Fast Track Special Court, Sonipat, whereby the bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the appellant in FIR No.177 dated 02.04.2023, under Sections 376D, 385, 506 of the IPC and Sections 6 and 18 of the POCSO Act, 2012 {(Sections 3(1)(w) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 added later on} registered at Police Station Kharkhoda, District Sonipat, has been dismissed.
2. Mr. Robin Lohan, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record.
3. As per the custody certificate, the appellant has undergone 01 year, 10 months and 02 days of actual custody.

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4. Learned counsel for the appellant submits that the appellant is 18 years of age and he has already undergone custody for a period of 1 year 10 months and 02 days. He further submits that 16 prosecution witnesses out of 25 witnesses have already been recorded. The statement of the prosecutrix has already been recorded and she does not level allegations of sexual abuse to the appellant. He further contends that the mother of the prosecutrix while appearing as PW-5 (Annexure A-9) has not supported the prosecution case and she has turned hostile. He submits that the conclusion of trial is going to take time. The appellant would not misuse the process of law.

5. Learned State counsel has opposed the appeal on the ground that the prosecutrix has fully supported her version while appearing as witness No.2 and there are serious allegations against the appellant that he had assisted his co-accused. However, this fact has been confirmed that there are no allegations of sexual assault against the appellant-Ankit.

6. Learned counsel for respondent No.2 submits that he has no objection if the present appeal is accepted. He further submits that the prosecutrix has now solemnized marriage with Nitin-co-accused of the appellant.

7. I have heard learned counsel for the parties and have also gone through the paper-book.

8. The FIR was registered on the basis of a complaint made by the mother of the prosecutrix with the allegations that on 31.03.2023, the victim was called by Nitin-co-accused of the appellant and she was taken to the house of Sagar. Thereafter, the appellant and co-accused-Pushpendar also reached the house of co-accused-Sagar. It is further an allegation that Nitin-co-accused of the appellant had forcibly committed rape upon the victim and thereafter, Sagar and



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Sahil-co-accused raped upon her. A video of the aforesaid act was allegedly prepared by the appellant.

9. The statement of the prosecutrix has already been recorded. The prosecutrix has not levelled any allegations of penetrative sexual assault upon the appellant. The statement of the other material witnesses have already been recorded. The age of the appellant is 18 years at the time of the alleged occurrence. He is in custody for a period of 1 years 10 months and 02 days. The appellant is not having any history of other cases. The conclusion of trial is going to take time.

10. Keeping in view the above facts and circumstances of the present case, the present appeal is allowed. The impugned order dated 22.07.2024, passed by the learned Additional Sessions Judge, Fast Track Special Court, Sonipat is set aside. The appellant is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court concerned.

11. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

12. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2025
P.Bhatt

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