



CRM-M-45275-2024

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212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45275-2024

Date of decision: 11.02.2025

Dharambir

....Petitioner

Versus

State of Haryana

....Respondent

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

Present: Mr. Mudit Johar, Advocate with
Ms. Pooja Kiran, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

AMARJOT BHATTI, J.

Petitioner-Dharambir has filed the present petition under Section 439 of Cr.P.C., for grant of regular bail in FIR No.26, dated 08.02.2024, under Sections 363, 366-A, 376 and 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Siwani, District Bhiwani (Haryana).

2. As per facts of the case, complainant who is mother of the victim gave her statement on 08.02.2024 that his daughter i.e. victim age about 16 years was studying in 12th Class at Jhumpa Government School. She left for her school at 9.00 a.m. and then she received information that his daughter was seen with somebody going towards the fields. The complainant along with her husband went towards the fields and noticed Dharambir coming along with his daughter on motorcycle. They tried to stop them. He left his daughter in front of school and ran away from there.

Later on, his daughter disclosed that on that day she was standing at bus



stand where Dharambir told her to sit on his motorcycle and he will drop her to school. However, he took her towards the fields and committed wrongful act with her and further threatened not to disclose about this incident to anybody. With these allegations, present FIR has been registered.

3. Learned counsel for the petitioner argued that Dharambir was arrested on 09.02.2024 and till date he is behind the bars. During the course of trial, statements of victim, her mother and father are recorded as PW-14 to PW-16 respectively which are Annexures P-7 to P-9 and they have not supported the prosecution version. Trial in this case may take some time. He cannot be kept behind the bars for indefinite period. His bail application was wrongly rejected by learned Additional Sessions Judge at Bhiwani vide order dated 28.08.2024 (Annexure P-10). He is ready to abide by the terms of bail order, therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. It is pointed that allegations against the present petitioner are serious and specific in nature. Apart from the oral testimony of the witness, there is medical record consisting of MLR report of Forensic Science Laboratory and the report of DNA is still awaited. During trial maximum number of witnesses have already 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. Petitioner was arrested on 09.02.2024 and he is behind the bars for the last about 1 year. Challan in this case has been presented on 24.04.2024. Charge sheet was framed on 03.05.2024 and it is pointed out



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still awaited. So far as testimony of victim and her parents Annexures P-7 to P-9 is concerned, they did not support the prosecution case. The entire evidence will be appreciated by the trial Court at appropriate stage.

6. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by petitioner-Dharambir 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

(AMARJOT BHATTI)
JUDGE

11.02.2025
monika

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