

**CRA-S-3269-2024 (O&M)****-1-****206+104****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH************CRA-S-3269-2014 (O&M)****Date of Decision: 29.01.2025**

Abhimanyu

..... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Kumar, Advocate for
Mr. Yash Dev Kaushik, Advocate
for the applicant/appellant.

Mr. Surinder Kumar Dagar, DAG, Haryana.

**********JASGURPREET SINGH PURI, J. (ORAL)****CRM-48460-2024**

For the reasons mentioned in the application, the same is allowed and a copy of the statements of PW-1 and PW-2 dated 30.10.2024, respectively as Annexures A-2 & A-3 are taken on record, subject to all just exceptions.

CRA-S-3269-2024

1. The present appeal has been filed for quashing of the order dated 16.08.2024 vide which learned Additional Sessions Judge, Fast Track Special Court, Faridabad had rejected the regular bail application of the appellant and for grant of regular bail to the appellant.

2. Learned counsel for the appellant submitted that the appellant is in custody for 10 months and 15 days and the prosecution evidence has already been started and the prosecutrix stands fully examined and even the father of the prosecutrix, who is the complainant, has also been examined. He further submitted that it is a case where as per the FIR, the complainant made an

**CRA-S-3269-2024 (O&M)****-2-**

allegation that his daughter, who is of the age of 17 years, went for the tuition classes and she did not return back and thereafter, the present FIR was lodged and the allegation was against one of the main accused, who is a juvenile and the allegations against him are that he had taken away the daughter of the complainant in a hotel and the other allegation is of committing rape. He also submitted that even as per the prosecution story, the role attributable to the appellant was that he had aided and abetted for arranging the room in OYO Hotel and on that ground the appellant was arrested. He further submitted that the investigation of the case is complete and the complainant and the prosecutrix have been examined and they have not supported the prosecution story at all and rather the prosecutrix while deposing before the Court has so stated that whatever she had stated against the appellant was under the pressure of the police and relatives and referred to the statement (Annexure A-2) which has been annexed along with the application bearing CRM-48460-2024. He also submitted that the appellant has clean antecedents and is not involved in any other case and since the appellant is not the main accused and the only role attributable against him was of arranging the room and thereafter, rather the prosecutrix herself has specifically stated while deposing that the appellant had got no role to play for arranging the room, the appellant may be considered for grant of regular bail and the impugned order dated 16.08.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Faridabad is liable to be set aside.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has submitted that so far as the custody of the appellant is concerned, the same is correct and he is in custody for 10 months and 15 days and as per the statement, which has been attached with the application as Annexures A-2



& A-3, the prosecutrix and the complainant, who is the father of the prosecutrix have since been examined and have not supported the prosecution version. He has however submitted that the allegations against the appellant are although for aiding the main accused for arranging the room, but the same is serious in nature and therefore, the appellant does not deserve the concession of regular bail.

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

5. The appellant is in custody for 10 months and 15 days and even as per the prosecution, the only role attributable to the appellant was that he had arranged the room for the main accused, who allegedly committed the offence of rape. However, although the prosecutrix while giving the statement under Section 164 Cr.P.C. as per the learned counsels for the parties, has so stated and named the appellant but when she stepped into the witness-box as PW-1 at the time of the trial, she did not support the prosecution story and rather has stated that the appellant has got no role to play in arranging the room. The appellant has clean antecedents and is not involved in any other case.

6. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the appellant is released on bail then he may abscond or flee from justice or may repeat the offence, especially because he is having clean antecedents and is not involved in any other case. So far as the allegation pertaining to the provisions of SC & ST Act is concerned, as per the learned counsels for the parties, there are no specific aspersions cast upon anybody pertaining to the caste and the aforesaid provisions of the aforesaid SC & ST were invoked only because of the reason that the victim belongs to the SC & ST category. Therefore, this Court is of the view that even the bar contained under Section 18 and 18-A of the SC & ST

**CRA-S-3269-2024 (O&M)****-4-**

Act will not apply to the appellant in the absence of any allegation or any specific expressions cast upon anybody pertaining to the caste.

7. In view of the aforesaid facts and circumstances, the present appeal is allowed and the impugned order dated 16.08.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Faridabad is hereby set aside. The appellant is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

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