



206
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3260-2024 (O&M)
Date of Decision: 21.03.2025

Lakhan

....appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Savreet Singh Brar, Advocate, for the appellant.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Pushp Jain, Advocate, for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present appeal has been filed for setting aside the order dated 02.09.2024 passed by learned Additional Sessions Judge, Faridabad in FIR No. 194 dated 21.03.2023, under Sections 366, 506 IPC, Sections 4, 12, 17, 18 of POCSO Act, Section 3 of SC&ST Act and Section 67A of IT Act, registered at Police Station City Ballabgarh, Faridabad whereby the application for grant of regular bail to the appellant has been dismissed.

2. Learned counsel for the appellant submitted that the appellant is in custody for 1 year, 9 months and 7 days and all the material witnesses including the prosecutrix/victim have been examined and submitted that during the course of trial, the prosecutrix/victim has not supported the prosecution version and has been declared hostile. He submitted that so far as the allegations against the appellant pertaining to SC&ST Act are



concerned, the provisions of SC&ST Act cannot be invoked in the present case because there is no imputation alleged to have been caste by the appellant and it was added only because of the fact that the victim belongs to SC Category but that itself cannot become a ground for invocation of the provisions of SC&ST Act. He submitted that although the allegations against the appellant were pertaining to clicking obscene photographs of the victim and posting on Instagram but the same has not been supported by the prosecutrix herself at the time of deposition and not only this, even as per the status report, the photographs were found not only in mobile phone of the appellant but of the other co-accused who was a juvenile and he has been extended the benefit of bail. and therefore, the appellant may also be considered for the grant of regular bail.

4. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana has submitted that so far as the custody of the appellant is concerned, the same is correct that he is in custody for 1 year, 9 months and 7 days and all the material witnesses have been examined and it is also correct that the victim has not supported the prosecution version and has been declared hostile.

5. Mr. Pushp Jain, Advocate has appeared on behalf of the complainant and has submitted that whatever the victim has stated before learned trial Court is correct.

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

7. The present appeal has been filed against the order dated 02.09.2024 passed by learned Additional Sessions Judge, Faridabad by which the application for grant of regular bail to the appellant has been rejected.



8. First of all dealing with the allegations of SC& ST Act, as per learned counsels for the parties, there was no allegation pertaining to casting of any imputation by the appellant but the same has been invoked only because of the fact that victim belongs to SC Category. So far as the merits of the present case are concerned, the custody of the appellant is stated to be 1 year, 9 months and 7 days and as per all the learned counsels for the parties, the material witnesses including the prosecutrix/victim have been examined but the prosecutrix/victim has not supported the prosecution version and has been declared hostile. Furthermore, it is not the case of the State counsel that in case the appellant is released on bail, then he may influence the remaining witnesses or may tamper with evidence or may flee from justice.

9. In view of the aforesaid facts and circumstances, the present appeal is allowed and the impugned order dated 02.09.2024 passed by the learned Additional Sessions Judge, 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.

10. 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 appeal.

21.03.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No