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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50011-2024 (O&M)
Date of Decision: 01.05.2025

Lalit Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balraj Gujjar, Advocate, for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Akshit Mehta, Advocate, for complainant/victim.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.400 dated 04.12.2021, under Sections 363, 366A IPC (Sections 323, 506 IPC and Section 6 of POCSO Act added later on), registered at Police Station Faridabad Central, District Faridabad (Haryana).

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody for 3 years and 3 months and all the material witnesses including the complainant and victim have been examined. He submitted that the allegations against the petitioner were pertaining to enticing away of a girl who was stated to be of the age of about 16½ years but in fact she was major and it is yet to be seen at the time of trial as to what was the age of the victim. He submitted that be that as it may,



the petitioner has already faced long incarceration as aforesaid and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that all the material witnesses including the complainant and victim have been examined. He submitted that as per the ossification test, the age of the victim was stated to be less than 18 years but no specific age has been so stated.

4. Mr. Akshit Mehta, Advocate has appeared on behalf of complainant/victim and has submitted that he has specific instructions to state that so far as the prayer of the petitioner for grant of regular bail is concerned, he has instructions to state that he has no objection for the same considering the long incarceration of the petitioner.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner is in custody for 3 years and 3 months and as per the learned counsels for the parties, all the material witnesses including the complainant and victim have been examined. The age of the victim, as per the allegations was about 16½ years but as per the ossification test, she was stated to be less than 18 years. Be that as it may, the petitioner has already faced incarceration for 3 years and 3 months. Furthermore, it is not the case of the State counsel that in case the petitioner is released on bail, then he may influence the remaining witnesses or may tamper with evidence or may flee from justice.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.



8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

01.05.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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