



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M No.54703 of 2024
Date of decision: 08.01.2025

Ankush Sharma @ Nishu and another
.....Petitioners
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Tarun Sharma, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

NAMIT KUMAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in FIR No.203 dated 17.07.2024, registered under Section 115 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (Sections 351(2), 3(5) of BNS, 2023 added later on) at Police Station Pehowa, District Kurukshetra.
2. As per the prosecution case, on 14.07.2024, at around 2:00 PM, the complainant sent his sister, 'A' (name of victim withheld), to purchase vegetables from a nearby shop. After some time, when 'A' did not return, the complainant went to look for her and he saw that the petitioner Ankush along with the other co-accused was beating and verbally abusing 'A' under the influence of intoxication and when the

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complainant tried to rescue his sister, the petitioner along with other co-accused, also assaulted the complainant and molested 'A'. It is also alleged that the accused kicked 'A' in the abdomen. Based on this statement, the present FIR has been registered.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case as there is a civil dispute going on between the parties with regard to a plot and as a counter-blast of the same, the present FIR has been registered on 17.07.2024 after a delay of 03 days as the incident has been stated to be occurred on 14.07.2024. He further submits that as a matter of fact, the petitioners have submitted a complaint on 15.07.2024 against the complainant to the police on which FIR No.217 dated 26.07.2024, under Sections 115, 117(2), 190, 191(3), 351(3) of BNS, 2023, has been registered at Police Station Pehowa, District Kurukshetra. He also submits that the investigation in the present case is complete; challan stands presented; charges have been framed and out of 15 prosecution witnesses, none has been examined so far and the trial is likely to take a considerable time to conclude and, therefore, no fruitful purpose would be served by detaining the petitioners behind the bars. Lastly, he submits that the petitioners are not involved in any other case.

4. Per contra, learned State Counsel, has opposed the prayer for grant of regular bail to the petitioners on the ground that the petitioners along with the co-accused have sexually assaulted the victim

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and caused beatings to her and her brother and, therefore, they do not deserve the concession of regular bail. However, he could not refute that out of total 15 prosecution witnesses, no PW has been examined till date; the petitioners are not involved in any other case; they are in custody since 08.09.2024 and the trial may take a considerable time to conclude.

5. I have heard learned counsel for the parties and perused the record.

6. Without commenting anything on merits of the case and considering the fact that the petitioners are not involved in any other case; they are in custody since 08.09.2024; investigation is complete; challan stands presented; charges have been framed and out of 15 PWs, none has been examined so far and the trial is likely to take considerable time to conclude, the present petition is allowed and the petitioners are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

9. However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(NAMIT KUMAR)
JUDGE

08.01.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No