



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-61794-2024

Date of decision : 15.05.2025

Mohit @ Alimu

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vaibhav Mittal, Advocate with
Ms. Diksha Sharma, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Asstt. A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.223 dated 13.07.2024 registered under Sections 118(1), 126, 3(5), 351(3), 75(2), 79 & 238 of Bharatiya Nyaya Sanhita, 2023 and Section 12 of Protection of Children from Sexual Offence Act, 2012 (Section 3(5) of BNS, 2023 was deleted later on) at Police Station Bahalgarh, District Sonapat.

2. Brief facts of the case are that on 13.07.2024, father of the victims gave a complaint to the police stating therein that his daughters told him that the brother of one person namely Gunga and his friend used to tease them while their to and fro by calling them Chikni and make obscene gestures with their eyes and hands. When he stopped the accused persons from doing such wrong act, the brother of Gunga having fish cutting knife in his hand and his friend along with their two



other friends having dandas in their hands came and blocked his way while he was going to his work. All four of them punched and kicked him and the brother of Gunga stabbed him in his left thigh. After seeing his relatives coming there, the accused persons fled from the spot and threatened to kill him. He does not know the name of those persons but he know them by their faces as they live in his neighbourhood. On the basis of said complaint, the abovesaid FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was not named in the FIR as the FIR was registered against unknown persons. He submits that the victim girl, who has been examined before the Trial Court as PW-3, has not supported the case of the prosecution. To the same effect is the statements of PW-1 complainant-father of the victim girl, PW-2 mother of the victim girl and PW-4 sister of the victim girl. He submits that the petitioner is in custody since 30.07.2024 and he is not involved in any other case. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 21 prosecution witnesses, 12 have been examined so far. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. On the other hand, learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, he conceded the fact that the investigation in the present case is complete;

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challan has been presented; charges have been framed and out of total 21 prosecution witnesses, 12 have been examined. He has also filed custody certificate dated 13.05.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 09 months and he is not involved in any other case.

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

6. Keeping in view the custody period of the petitioner, which is 09 months and 14 days and the facts that the victim girl, complainant, who is father of the victim girl, her mother and sister have not supported the case of the prosecution in their statements recorded before the Trial Court; investigation is complete; challan has been presented; charges have been framed; out of total 21 prosecution witnesses, 12 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

15.05.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No