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

CRM-M-64493-2024
Date of Decision:- 02.04.2025

AVDESH ALIAS VICKYPetitioner

Vs.

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kamal Mor, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Ms. Anupma, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.277 dated 23.07.2024 under Sections 140 (3) of BNS, 2023 and Section 4 of POCSO Act registered at Police Station Butana, Karnal.

2. Facts of the case are complainant i.e. grandmother of the victim 'T' gave her statement alleging that after the death of father of victim she looked after the child for the last about 13 years. On 22.07.2024 at around 11 am, victim left the house without telling anyone. She tried to search her whereabouts and when she could not find her, matter was reported to the



police. As a result, FIR was registered under Section 140 (3) of BNS and Section 4 of POCSO Act. As per status report, during investigation victim was produced by her mother on 30.07.2024 and her statement was recorded under Section 183 BNSS. She was also medically examined and after completion of investigation, challan was presented in the Court.

3. Learned counsel for petitioner argued that all allegations levelled against him are false. In-fact, victim got angry with her maternal grandmother and left the house. She stayed with her friend Kajal at Nilokheri. Present petitioner was asked to drop the victim to her house. Due to fear, she did not return back to the house of her grandmother and went to the house of her mother Meenka in village Taroari, District Karnal. Victim has deposed falsely under the pressure of her mother. In-fact, he has not committed any offence. Grandmother of the victim used to visit him in Jail. Statement of victim also recorded before the trial Court where she was declared hostile. She has not levelled any allegation against him. He is behind the bars since 09.09.2024. He will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. Detailed status report has been filed. It is pointed out that victim was produced by her mother on 30.07.2024 and her statement was recorded before the Magistrate under Section 183 of BNSS (Annexure R-1). Copy of her MLR is Annexure R-2. Petitioner was arrested on 09.09.2024. After completion of investigation, challan was presented in the Court on



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23.10.2024. As per the status report, next date for consideration on charge was 13.03.2025. It is confirmed that at present statement of victim has been recorded and she has not supported the prosecution story.

5. I have considered the aforesaid factual position. Admittedly, petitioner was arrested on 09.09.2024 and till date he is behind the bars. There were allegations for kidnapping and rape of the minor victim. After presentation of challan, statement of victim PW1 and statement of complainant i.e. grandmother as PW2 have been recorded where they have not supported the prosecution case. Two of material witnesses have been examined. Trial in this case may take long time. In light of aforesaid factual position, no purpose would be served by keeping the petitioner behind the bars. Therefore, without going on the merits of the case, regular bail application filed by petitioner is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

02.04.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable:	Yes/No