



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

209+106

CRM-M-56008-2024 (O&M)

Date of decision : 22.09.2025

Sujeet Sahani @ Surjeet

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kushager Goyal, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

None for the complainant.

NAMIT KUMAR, J. (ORAL)

CRM-38081-2025

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for placing on record the testimony of the complainant recorded before the Trial Court as Annexure P-5.

Allowed as prayed for subject to all just exceptions.

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1. The present petition has been filed by the petitioner under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case bearing FIR No.86 dated 04.08.2023 registered under Sections 342 & 34 of Indian Penal Code, 1860 (Section 10 of Protection of Children from Sexual Offence Act, 2012 was added later on) at Police Station Women Ballabgarh, District Faridabad.



2. Vide order dated 06.08.2025, it was recorded that the complainant/victim have been informed about the pendency of the present petition. However, no one has put in appearance on their behalf.

3. Brief facts of the case are that on 04.08.2023, mother of the victim gave a written complaint to the police alleging therein that two days back, accused-Rani, who is madam of Surjeet (the present petitioner) called her 11 years old daughter on mobile and told her that her parents did not buy her proper clothes and she should come to her on Wednesday and she will buy clothes for her from the market. When her daughter went to the house of accused-Rani, at Sector 3, accused-Rani and Surjeet hidden her in her house. They tried to search their daughter on their own level and also called accused-Surjeet to inquire him that their girl come there but he refused. When they reached at the house of accused-Rani for searching their daughter, accused Rani and petitioner hide her into their bed and sit on the bed. They did not find their daughter in the house of accused Rani and they went from there. Thereafter, they received a call from a lady, who is residing about four house ahead to the house of Surjeet, who said that their daughter is with Surjeet and then again they went to the house of accused Rani, where they found their daughter playing in another room. On the next day when they asked from their daughter, she told that she was threatened and misbehaved by Surjeet. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present



case. The only allegation against the petitioner is that the petitioner touched the feet of the victim inappropriately and twisted her hand. He further submits that the complainant (mother of the victim), who has been examined before the Trial Court as PW-2 has not supported the case of the prosecution and has turned hostile. He further submits that the petitioner is behind the bars since 14.12.2023 and he is not involved in any other case. He also submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 26 prosecution witnesses, only 02 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

5. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that out of total 26 prosecution witnesses, 02 have been examined including the victim and the complainant. She has also filed custody certificate dated 19.09.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars since more than last one year and nine months. Custody certificate further shows that the petitioner is not involved in any other case.

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

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7. Keeping in view the custody period of the petitioner which is 01 year, 09 months and 05 days and the facts that the complainant (mother of the victim) has not supported the case of the prosecution before the Trial Court and has turned hostile; investigation has been completed; challan has been presented; charges have been framed and out of total 26 prosecution witnesses, only 02 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.

8. The petition stands disposed of accordingly.

9. 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.

22.09.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No