



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

205

CRM-M-50420-2024
Date of decision : 13.05.2025

Ram Kumar TiwariPetitioner

versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Soeb Khan, Advocate with
Mr. Shikhar Goel, Advocate for the petitioner.

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

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.274 dated 25.08.2020 registered under Section 6 of Protection of Children from Sexual Offence Act, 2012 at Police Station Kheri Pul, District Faridabad.

2. In terms of order dated 30.04.2025 passed by this Court, compliance report by way of an affidavit of Abdul Hussain, ASI, Investigating Officer, Police Station Kheri Pul, Faridabad, has been filed in the Court which is taken on record. As per the said report, the victim/complainant has been informed about the pendency and date fixed in the present petition. However, there is no representation on behalf of the complainant/victim.

3. Brief facts of the case are that the abovesaid FIR was registered on a complaint made by complainant/mother of the victim

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girl alleging therein that on 25.08.2020, she had gone out of the house for some personal work and after sometime when she returned home, she saw that Ram Kumar Tiwari (the present petitioner) had taken off the trouser of her daughter and was touching her private part with his finger. On seeing the complainant, the petitioner tried to run away but on making noise by the complainant, her sons had come and gave beatings to the petitioner and took him to the police Station.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the victim girl and complainant, who is mother of the victim girl, have not supported the case of the prosecution. He submits that as per the D.N.A. Report, the D.N.A. of the petitioner has also not been matched. He submits that the petitioner is in custody since 26.08.2020 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 32 prosecution witnesses, only 10 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.

5. On the other hand, learned State counsel, while referring to the status report, has vehemently opposed the grant of regular bail to the petitioner on the ground that the petitioner had committed rape upon the prosecutrix, who is mentally ill, many times. However, she conceded the fact that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 32

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prosecution witnesses, 10 have been examined. She has also filed custody certificate dated 12.05.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than four and a half years and he is not involved in any other case.

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

7. Keeping in view the custody period of the petitioner, which is 04 years 08 months and 17 days and the facts that the prosecutrix and complainant, who is mother of the prosecutrix 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 32 prosecution witnesses, only 10 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.

13.05.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No