



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

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CRA-S-3005-2024

Date of decision : 08.05.2025

Raghav Gupta

.....Appellant

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Puneet Pali, Advocate for the appellant.

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

NAMIT KUMAR, J. (ORAL)

1. The appellant has filed the instant appeal impugning the order dated 22.08.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Hisar, whereby application filed by the appellant under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.1158 dated 18.10.2023 registered under Sections 323, 354-A, 354-D, 506 & 34 of Indian Penal Code, 1860; Section 8 of Protection of Children from Sexual Offence Act, 2012 and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2015) at Police Station HTM, Hisar, has been dismissed.

2. Brief facts of the case are that the complainant (father of the victim girl) made a complaint to the police alleging therein that he belongs to Scheduled Caste category. His daughter, aged 14 years, is studying in 10th class in Sanskriti Model Senior Secondary School,

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Jahajpul, Hisar. Raghav Gupta (present appellant) student of 12th class and one another boy, student of 9th class, who are studying in the same school, used to stalk and sexually harass his daughter. They make indecent comments upon her and on protesting her, they quarreled with her and threatened to kill her. On 09.10.2023 at about 8.00 AM, when his daughter went to school, student of 9th class asked her to become his friend or to make his friendship with some other girl. When his daughter protested, that unknown boy followed her, quarreled with her and slapped her, due to that she fell down on the ground and her two teeth were broken. Thereafter, one teacher of aforesaid school take her to Garg General and Maternity Hospital, Near Lahoria School, Hisar. On the basis of said complaint, FIR under Sections 323, 354A, 354D, 506, 34 of IPC, Section 3 SC/ST Act and Section 8 POCSO Act was registered. On 19.10.2023 statement under section 164 Cr.P.C. was got recorded before a Magistrate. On 30.10.2023, appellant-Raghav Gupta was arrested and he suffered his disclosure statement regarding involvement in the present case. During investigation, juvenile in conflict with law Kishore Bajrang was joined in investigation. Juvenile Kishore Bajrang was produced before Juvenile Justice Board, Hisar and appellant-Raghav Gupta was produced before the Court. During investigation, offence under section 325 IPC was added. After completion of investigation, challan against appellant-Raghav Gupta was prepared and submitted in the Court.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. The only



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allegation against the appellant is of stalking and passing obscene comments for which the minimum sentence is 05 years and the appellant is in custody since last more than one and a half years and he has already completed 1/3rd sentence. In support of his contention, learned counsel for the appellant has placed reliance upon the judgment passed by **Himachal Pradesh High Court in *Ravi hans Vs. State of Himachal Pradesh : 2025 NCHHC 2309***.

5. He further submits that the appellant is not involved in any other case. The investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 prosecution witnesses, only 04 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 appellant behind bars..

6. On the other hand, learned State counsel, while referring to the status report filed on behalf of the respondent-State, has vehemently opposed the grant of regular bail to the appellant. 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 15 prosecution witnesses, 04 have been examined. She has also filed custody certificate dated 07.05.2025 in the Court which is taken on record. As per the custody certificate, the appellant is in custody for the last more than one and a half years and he is not involved in any other case.

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

8. Keeping in view the custody period of the appellant, which is 01 year 06 months and 08 days and the facts that the investigation is complete; challan has been presented; charges have been framed; out of total 15 prosecution witnesses, only 04 have been examined so far; the appellant is not involved in any other case and the trial may take a considerable time to conclude, therefore, the instant appeal is allowed, the order dated 22.08.2024 passed by learned Additional Sessions Judge, Fast Track Special Court, Hisar, is set aside and the appellant 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.

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.

08.05.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No