

CRM-M-2194 of 2025 (O&M)

2025:PHHC:008706



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

CRM-M-2194 of 2025 (O&M)

Date of decision: 21.01.2025

Hamid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Satish Chaudhary, Advocate,
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

NAMIT KUMAR, J.

1. Instant petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.166 dated 14.08.2015 registered under Sections 363/366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Nagina, District Nuh.
2. Brief facts of the case are that present FIR was lodged alleging that 13 years old daughter (victim) of the complainant was enticed by a truck driver and taken away from Badkali chowk on 12.08.2015, at about 3:30-4 p.m. Complainant searched for the victim but could not find her. A vehicle driver informed him that he had seen the victim alongwith Shahid s/o Majeed in a vehicle. Complainant alongwith 10-12 persons, went to search for the victim in Alwar. When truck driver Shahid saw them, he started running, but was nabbed and was produced at the police station. Complainant alleged that Sahid knew about the entire occurrence and that victim was in the custody of



his accomplices. He thus sought strict legal action against the members of the gang. Accordingly case under Sections 363, 366A IPC and Sections 6, 12 POCSO Act was registered. During investigation, police inspected the spot of occurrence, prepared the site plan and recorded the statements of witnesses. On 14.08.2015, accused Shahid was arrested, his disclosure statement was recorded wherein he incriminated Hamid (petitioner), Mustak and cleaner Wxxx on allegations that they had committed rape upon the victim. He was got medico-legally examined. On 15.8.2015, statement of victim was got recorded under Section 164 Cr.P.C and she was got medico-legally examined. A truck was got recovered from accused Sahid in pursuance of his disclosure statement. On 17.8.2015, child in conflict with law Wxxx was joined in investigation and was produced before the Juvenile Justice Board. He was got medico-legally examined. Challan was presented against accused Sahid. Inquiry report was presented against the Child in conflict with law before the Juvenile Justice board. Petitioner-Hamid and Mustak were declared PO in pursuance whereof, PO challan was presented against them on 15.04.2018. Accused Mustak was arrested on 11.05.2020 and on completion of investigation, supplementary challan was presented against him. Petitioner-Hamid was arrested on 09.09.2024, his disclosure statement was recorded, he was got medico-legally examined. On completion of investigation, supplementary challan was presented against him.

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



case as neither he was named in the FIR nor in the statements of victim and the complainant recorded during investigation. He further submitted that petitioner has been implicated in the present case only on the basis of disclosure statements suffered by co-accused Sahid and Mustak, which are not admissible in evidence. He further submitted that except disclosure statements of co-accused there is no evidence qua the alleged offence against the petitioner. He further contended that co-accused Sahid has already been acquitted in the present case. He further contended that petitioner is in custody since 10.09.2024 and challan has been presented against him. He is not involved in any other case and trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel opposed the prayer for grant of regular bail of the petitioner by submitting that there are serious allegations against the petitioner and he has been named as accused by his co-accused. He further submitted that if the petitioner is granted bail, he may abscond from the trial.

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

6. Perusal of the record shows that petitioner was declared proclaimed offender vide order dated 03.02.2018 and was arrested on 09.09.2024, after more than nine years of the FIR/alleged crime. Keeping in view the gravity and seriousness of allegations and the fact

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that if granted bail, petitioner may abscond, therefore, he does not deserve the concession of regular bail.

7. Dismissed.

21.01.2025

R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No