

2025.PHHC:095928



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

Sr. No.225CRM-M-27519-2025 (O&M)
Date of decision : 30.07.2025

Amit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harjinder Singh, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.116 dated 11.04.2024 under Sections 363, 366 & 376(2)n IPC and Section 6 of POCSO Act, registered at Police Station Sector Model Town, Panipat.

2. The translated version of the FIR is reproduced below:-

“To Chowki Incharge, 8 marla, Panipat, respected sir, it is requested that I, Jagbir son of Rameshwar, r/o HN 3 Netaji Subhash Colony Saudapur, Bhinjol, Panipat. Today my daughter xxxx, age 16 years, studying in Radha Krishan School Panipat in 9th class. Morning at 8 o'clock, she left for the school. After school, when my daughter hasn't come at home, I made enquiry after reaching the school. Her body description are as follows: colour fair, round face, height 5'3', in black top and blue jeans. Kindly search my daughter, Sd/- complainant.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was

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initially not named in the FIR registered on the missing complaint of the prosecutrix filed by her father. It is submitted that the petitioner and the prosecutrix were well-known to each other. Infact, in her statement made under Section 164 Cr.P.C., the prosecutrix did not level any allegations against the petitioner; rather, she stated that her family members were pressuring her to depose against the petitioner, and that she had left on her own will. However, a completely contradictory statement was thereafter made by the prosecutrix before the learned Magistrate, raising doubts about the credibility of her testimony. Furthermore, the material witnesses in this case have been examined. Learned counsel submits that the petitioner, a young person of about 19 years of age, has undergone an actual custody of 08 months and 11 days and is not involved in any other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 11 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 01.01.2025 and out of a total of 18 prosecution witnesses, 04 has been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

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6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 19.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 18 prosecution witnesses, only 04 witnesses have been examined so far. The material witnesses have been examined. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

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(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

30.07.2025

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No