



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

(226)

CRM-M-53183-2025

Date of Decision: 24.09.2025

Pankaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS") has been invoked for grant of regular bail to the petitioner in case FIR No.188 dated 13.11.2024, under Sections 75(3) Bharatiya Nyaya Sanhita, 2023 (Section 354-D/506 of Indian Penal Code, 1860 and Section 12 of the protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station Bond Kalan, District Charkhi Dadri.

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

"To SHO. Police Station Bond Kalan. Sir, it is respectfully submitted that I XXX daughter of Mange Ram resident of Hindol Charkhi Dadri. I am pursuing BA-Ist Year at Rajiv Gandhi College Bhiwani. On 12/11/2024 at about 6:00 PM, I was sitting on a motorcycle with my father and going towards the tailor shop at our village bus stand. Renu @ Chatni daughter of Mahipal was also alongwith us. Pankaj S/o Randhir resident of Hindol who is our neighbour was sitting on the platform (Chabutra) just two shops ahead of our house. Pankaj while looking at me said "let me also sit on the motorcycle." Whenever I go out of the house, then Pankaj makes wrong gestures at me. Therefore, strict action be taken against Pankaj. Sd/- XXX Applicant."



3. Learned counsel for the petitioner *inter alia* submits that the petitioner, a 28 years old, has been falsely implicated in this case on the statement of the prosecutrix, alleging that the petitioner had made wrong gestures towards her when she was going with her father on the motorcycle. It is submitted that the present FIR was lodged due to previous enmity between the families. Further, on the date of alleged incident, prosecutrix was a major. However, provisions of POCSO Act were invoked against the petitioner on the basis of the improved version advanced by the prosecutrix, that the petitioner had been following her for the past two years. It is submitted that the allegation is completely concocted, as no complaint in this regard had been made for the entire period of two years when the prosecutrix was allegedly followed. It is also stated that the petitioner has undergone an actual custody of 10 months and 04 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 10 months and 04 days and there is no other criminal case registered against him. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 06.02.2025 and out of total 20 prosecution witnesses, 10 have 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.

6. Admittedly, the charges were framed on 06.02.2025. One half, out of total 20 prosecution witness, are yet to be examined. The petitioner



has already undergone actual custody of 10 months and 04 days. There is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the 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.
- (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.

(vi) The petitioner shall not make any attempts to re-associate with the complainant victim in any manner either through a device or in person.

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.

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

(KIRTI SINGH)
JUDGE

September 24, 2025
Anjal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No