



CRM-M-50758-2025

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

(214)

CRM-M-50758-2025

Date of Decision:- 14.10.2025

Tara Chand alias Sanjay

.....Petitioner

Versus

State of Haryana

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

\*\*\*\*

Present: Mr. Kapish Singla, Advocate,  
Mr. Vishal Saini, Advocate and  
Ms. Diksha, Advocate for the petitioner.

Ms. Swati Batra, Sr. DAG, Haryana.

Mr. Sumit Singh Bairagi, Advocate for respondent No.2.

\*\*\*\*\*

**ALOK JAIN, J. (Oral)**

1. Prayer is for the grant of regular bail to the petitioner in case FIR No. 424 dated 30.09.2021, registered under Sections 363, 366-A, 376, 120-B of the IPC and Section 6 of the POCSO Act. Subsequently, Sections 376(3) and 376(2)(n) IPC were added. The FIR was registered at Police Station Taraori, District Karnal.

2. Learned counsel for the petitioner submits that the correct factual position was duly narrated by the prosecutrix in her statement recorded under Section 164 Cr.P.C. It is argued that had the petitioner violated the prosecutrix against her will and consent, she would not have stayed with him for three long months.



CRM-M-50758-2025

3. *De hors* the above, learned counsel submits that all material witnesses have been examined and the petitioner has been in custody for more than three and a half years.

4. Learned State counsel has filed the custody certificate, which is taken on record. As per the certificate, the petitioner has been in custody for more than 3 years, 8 months, and 19 days.

5. Learned State counsel vehemently opposes the grant of regular bail to the petitioner and submits that there is cogent evidence against him, particularly as the prosecutrix was a minor under the age of 16 years. Although the State does not deny contradictions in the prosecutrix's statement under Section 164 Cr.P.C., it is submitted that the testimony must be read in its entirety, wherein both the victim and the complainant support the prosecution case. It is further submitted that 11 out of 19 witnesses have already been examined.

6. After hearing learned counsel for the parties and considering the fact that the petitioner has been in custody since **24.01.2022** and the trial is likely to take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner in further custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He/she shall, however, be released on the following conditions:

- i. The petitioner shall declare his/her ordinary place of residence and the mobile number used by him/her.



CRM-M-50758-2025

- ii. The petitioner will not switch off his/her mobile and in case of any technical glitch, he/she has to give an alternate number, which will be available in his absence.
  - iii. The petitioner will mark his/her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his/her presence, he/she is permitted to make an application before the Illaqa Magistrate, concerned.
  - iv. The petitioner will not leave the country without the prior permission of the Court, for which he/she will submit the copy of his/her passport also. However, in case, the petitioner does not possess a passport, then he/she shall file an undertaking to the said effect from being released.
8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity *qua* any other co-accused in any manner whatsoever.
10. It is made clear that, in case, the petitioners are found involved in any such activity once again, the present concession granted shall automatically stand vacated.

**October 14, 2025**

manju

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No

**(ALOK JAIN)**  
**JUDGE**