

2025:PHHC:026931



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

Sr. No.225

CRM-M-3184-2025 (O&M)
Date of decision : 25.02.2025

Ankur @ Nitu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.S. Nain, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.65 dated 26.02.2024 under Sections 8 & 17 of POCSO Act, 2012 and Sections 354 & 34 IPC, registered at Police Station Civil Line, Sonipat, District Sonipat.

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

'To the SHO Sir, Police Station Civil Line Sonipat, Sir, it is request that I Rajni wife of Tak Chand, resident of Delhi, Mukandpur, Radha Vihar, Gali No.6, Today my niece Alka @ Neha daughter of late Neeraj Mukeriya, resident of New Pancham Nagar, Old DC Road, Sonipat aged about 17 years told me that my step mother Seema's had a boyfriend named Neetu, who used to come to our house. When my father was not at home, my mother used to call Neetu. On the instructions of my step mother, Neetu used to molest me. I do not remember the time, date and month. On 23 November, 2023, my father Neeraj caught Neetu at our house. Action should be taken

2025.PHHC:026931



against my step mother Seema and Neetu, resident of Mohan Nagar, Street No.2, Sonipat. Sd/- Rajni wife of Tek Chand.'

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He submits that the petitioner and the step-mother of the prosecutrix were in a relationship and on the basis of the same, a false complaint has been registered. Earlier also, a complaint was filed in November, 2023 to the police which had subsequently been compromised between both the parties. He further submits that the petitioner has undergone an actual custody of 10 months and 10 days and is not involved in 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 10 months and 10 days and there is no other criminal case. He on instructions submits that charges were framed on 29.07.2024 and out of a total of 14 prosecution witnesses, 06 witnesses has been examined till date. He however, 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. A perusal of the case in hand transpires that the petitioner is behind the bar since 14.04.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and

2025:PHHC:026931



trial of the case has not made much progress as out of 14 prosecution witnesses, only 06 witnesses have been examined till date. 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 violate 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.

2025.PHHC:026931



(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

25.02.2025
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No