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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

213

CRM-M-54966-2025(O&M)  
Date of decision: 09.10.2025

MOHAMMAD ASIF

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Brijesh Nandan, Advocate and  
Mr. Aditya Vinayak Bhanot, Advocate  
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

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**KIRTI SINGH. J.(Oral)**

The jurisdiction of this Court has been invoked under Section 483 BNS Act for grant of regular bail to the petitioner in case FIR No.321 dated 22.09.2024, under Section 137 of BNS (Section 6 of POCSO Act and Section 65(1), 64(M), 87 of BNS added later on), registered at Police Station Industrial Sector 7, Manesar District Gurugram, Haryana.

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

*“To SHO Sahib Police Station SEC-7 IMT MANESAR Gurugram (Haryana) ,I request that I am xxx, daughter of Shri Antu Singh, resident of village Bolipur, Police Station Jagdishpur, District Bhojpur, Bihar live with my family on rent at house of Naresh in village Khoh and work in TDK Company, Plot No. 04, Sector 5, IMT Manesar Gurugram. My father and mother also work in IMT. Both my parents had gone to Bihar on Raksha Bandhan. Apart from me, my brother Samar Kumar aged 17 years and my younger sister xxxx aged 15 who studies in 10th class in Government School Khoh. On 13.09.2024, at 7 AM, my sister went to school and has not returned yet. When I came from duty in the evening, my sister xxx was not at home. That I did not inform my parents about*



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*missing of my sister from house, nor I informed police because I was scared, I enquired about my sister in the neighbour hood but till now I have not been able to find out anything about my sister. I enquired of my own also but till now I have not been able to find out anything. That my sister left the house wearing school dress, white colour suit, blue colour salwar and blue colour scarf and slippers on her feet. Complexion of my sister is dark, round face and healthy body, her height is 4 feet 6 inches. Today I have come to the police station with a complaint about the disappearance of my sister xxxx. I request you to lodge an FIR for the disappearance of my sister and after searching hand over me the custody of my sister.”*

3. Learned counsel for the petitioner submits that the petitioner, a young man aged 20 years, has been falsely implicated in the present case, which was initially registered on the basis of the missing complaint made by the sister of the prosecutrix. The petitioner was not even named in the FIR, that was lodged after an unexplained delay of 09 days. There is no medical evidence to substantiate the allegations levelled against the petitioner. In fact, the prosecutrix had refused to get her medical examination conducted. Furthermore, the material witnesses have already been examined before the learned trial Court. The prosecutrix has also turned hostile during the course of the trial. Reliance in this regard is placed upon the statement of the prosecutrix recorded during the course of trial, supplied by the learned counsel in Court today, which is taken on record. The petitioner has undergone an actual custody of 11 months and 25 days and there is no other case registered against him.

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 11 months and 25 days and there is no other case registered against the present petitioner. He on instructions from SI Surender Singh, submits that the charges were framed on



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12.01.2025 and out of a total of 15 prosecution witnesses, 02 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 08.10.2024. Investigation is complete. The prosecutrix has been examined before the learned trial Court, who has turned hostile. 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 charges were framed on 12.01.2025 and out of a total of 15 prosecution witnesses, 02 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 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



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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 her 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.

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

09.10.2025  
Kavita

**(KIRTI SINGH)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No