



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

(206)

**CRM-M-23863-2025 (O&M)
Date of Decision: 26.9.2025**

Jaswant Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Mayank Goyal, Advocate
for the complainant (through V.C.)

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 123 dated 27.12.2024 under Sections 115, 333, 75(2), 79 of BNS, 2023 and Sections 8 and 10 of the POCSO Act, 2012, registered at Police Station Women Police Station, District Sirsa.

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

“Statement of xxxxx daughter of Moti Ram, resident of Chattargarh Patti, Sirsa, age 17 years, mobile No 856999xxxxx. It is stated that I am a resident of the above-mentioned address and study in class 10th. On 24.12.2024 at about 8.30 PM, my sister xxxxx, xxxxx, and I were at home; my father and my mother were resting in the upstairs room. I was cooking in the kitchen. My sister xxxxx and xxxxx were watching TV inside. Then Jaswant Singh, son of Haridas, resident of Chatargarhpatti, suddenly opened our door and entered our house. While I was cooking in the kitchen, he caught me from behind with



bad intentions. When I screamed, both my sisters, xxxxx and xxxxx, came out. We three sisters threw Jaswant out of the gate and closed the gate. In the meantime, Jaswant threw a liquor bottle on our gate from outside, the glass of which split and bounced, which hit my right eyebrow. And blood started oozing, then Jaswant ran away. In the meantime, my father and mother came after hearing the noise from upstairs. My mother told me to call 112. Then I called 112, and after some time, a 112 vehicle came and dropped me off at the government hospital. Then I took the medicine from the government hospital and submitted an application at the HUDA police Chowky. Due to my ill health, I did not go anywhere after that. Today on 27.12.2024, I have come to Women police station in Sirsa. In September 2024 also, Jaswant stood outside our house and abused me. Legal action should be taken against Jaswant Singh, son of Haridas, resident of Chatargarhpatti”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the prosecutrix. The present FIR is a counterblast to FIR No. 28 dated 19.1.2024 (Annexure P-4), lodged by the petitioner’s wife against one Sandeep, who is the brother of the prosecutrix-complainant, and the present FIR has been lodged only to put pressure upon the petitioner and his wife to dissuade them from pursuing the FIR lodged by the petitioner's wife. Further, there is an unexplained delay of more than three days in lodging the present FIR. It is submitted that the complainant has not supported the prosecution case, and was declared a hostile witness. He has placed on record the said statement of the complainant. He further submits that the petitioner has been in custody since 29.12.2024, 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 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 26 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 27.3.2025 and out of total 15 prosecution witnesses, 01 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.

6. Admittedly, the charges were framed on 27.3.2025 and out of total 15 prosecution witness, only 01 witness has been examined till date i.e. the complainant, who has turned hostile. The petitioner has undergone actual custody of 08 months and 26 days, and 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.

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 26, 2025
Gurpreet Singh

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