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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7818-2025
Decided on: 27.05.2025

Rohit

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Anmol Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

KIRTI SINGH, J. (Oral)

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.430 dated 16.07.2024, registered under Sections 376-D, 506, 384 IPC and Section 6 of POCSO Act at Police Station Industrial Sector 29 Panipat, District Panipat.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Contents of the application are as under: To The SHO Sahab, Police Station Sector 29, Panipat. Sir, It is requested that I am xxx w/o xxx. Yesterday I and my daughter xxx both of us had gone for labour work. When we returned home at 6 in the evening, I asked my daughter xxx to prepare food but she said that she would prepare it now and I went to the bathroom to take a bath. When I came out after taking the bath, I did not find my daughter xxx at home. I kept searching for her but could not find her anywhere. Sir, it is requested that my daughter may be got traced out. She is wearing a red colour



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suit, pants and shoes on her feet. My daughter may be searched for. Appearance: Tall face, fair complexion, height 5.3 inches, Age 15 years SD/ Birmati 70828344643. At Police Station On receipt of the aforesaid application in the police station, finding commission of offence under Section 140(3) BNS, after registering FIR No.430 dated 16/07/2024, under Section 143(3) BNS in Police Station Sector 29, Panipat, computerized copies of the FIR have been prepared. After taking copy of police file alongwith original application I, ASI alongwith complainant proceed to the place of occurrence. Remaining copies of FIR as special report are being sent to the Illaqa Magistrate Sahab and concerned officers. The First Information Report has been registered in the presence of ASI Sant Ram 928.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the prosecutrix. There is no evidence on record to prove the complicity of the petitioner. Infact, both the material witnesses i.e. the complainant and the prosecutrix resiled from the incriminatory statements made against the petitioner and have not supported the case of the prosecution during the course of trial. Learned counsel submits that the petitioner has undergone an actual custody of 09 months and 05 days and there is no other case pending against him.

4. Per contra, learned State counsel on instructions submits that charges were framed on 28.10.2024 and and out of a total of 21 prosecution witnesses, 03 have been examined. He further submits that petitioner has undergone an actual custody of 09 months and 05 days and there is no other case pending against him. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is in custody since 22.08.2024



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and has undergone an actual period of custody of 09 months and 05 days. There is no other case pending against him and out of a total of 21 prosecution witnesses, only 03 have been examined. 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.**

6. 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.

7. 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.



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8. 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.

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

**(KIRTI SINGH)
JUDGE**

27.05.2025

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