



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

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**CRM-M-35631-2025(O&M)
Decided on: 17.07.2025**

KARAN

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Brijesh, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.623 dated 17.08.2024, under Section 65(1) of BNS and Section 4 of POCSO Act registered at Police Station Karnal City, District Karnal.

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

“1, LHC Savita, Police Station No. 171, state that a written complaint has been submitted by Santosh, wife of Ramkumar, resident of Bansi Gate, Karnal. The complainant has submitted the application to SHO, Police Station City Karnal, Mr. Navan Jail Road, wherein it is stated that her daughter xxx, aged around 15 years, residing with her, had gone out on 15th August for some work but did not return home. Yesterday, i.e., 16.08.2024, she came back home. Today, she came to the police station with her daughter. She stated that yesterday, on 16.08.2024, her daughter told her that she was going to drink water but did not return and could not be traced. She requested to search for her daughter and to trace her. The description of her daughter is as follows: Complexion: Fair Face: Oval Height: 4 feet inches At the time of disappearance, she was wearing a yellow t-shirt and lower (trousers) and had her hair braided. SD Santosh, wife of Ramkumar, came to the police station and submitted the written application.”

3. Learned counsel for the petitioner submits that the petitioner, a young man aged 19 years, has been falsely implicated in the present case. It is not the case that the petitioner enticed away the prosecutrix, rather, as



admitted by the prosecutrix in her statement recorded under Section 183 BNSSs, she left her home to visit Haridwar on her own free will. Further reliance in this regard is also placed on the conversation between the petitioner and the prosecutrix, pendrive containing which is annexed at Annexure P-4. The petitioner is in custody since 05.09.2024 and his custody period is 10 months and 09 days and petitioner has clean antecedents.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 10 months and 09 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 06.03.2025 and out of a total of 19 prosecution witnesses, only one victim 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 05.09.2024. Investigation is complete. The material witness i.e. victim has been examined. 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 06.03.2025 and out of a total of 19 prosecution witnesses, only one victim has 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. Accordingly, 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 she 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/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 miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

17.07.2025

Kavita

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