



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

(216)

**CRM-M-24024-2025 (O&M)
Date of Decision: 23.09.2025**

UDAY SINGH

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Himanshu Setia, Advocate for
Mr. Kushager Goyal, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

None for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.100 dated 28.08.2024, under Section 140(3) of BNS (Section 6 of POCSO Act, 2012 added later on), registered at Police Station Bhupani, District Faridabad.

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

“To, Respected SHO Sahib, Police Station Bhupani, Faridabad, Sir, I am xxxxx W/O Om Prakash resident of Shiv Colony Near Satyug Darshan, Purani Bhupani, Faridabad. I have a son and a daughter named xxxxxx, age 16 years. My daughter xxxxx studies in class 11 in a government school in Mahavatpur. I had gone to Faridabad on 16.08.24 at around 8:00 am for some work, my daughter xxxxx was alone at home. When I came back



home at around 5:00 pm, I did not find xxxxxx at home. I enquired around and found out that xxxxxx left the house with a bag at around 9:00 am in the morning. I have been searching for her among my relatives till date but I could not find any trace of my daughter. My daughter is fair in complexion, has a long face, slim body, is about 5 ft 1 inch tall, and is 16 years old. She is wearing a pink coloured shrara dress and slippers. I do not suspect anyone. Now I have come to the police station. My daughter should be searched and an FIR should be lodged. Applicant / xxxxx 97163xxxxx DATE 28.08:24”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR which was lodged to report the prosecutrix as missing. It is submitted that the prosecutrix and the petitioner were well known to each other. In fact, in the initial statement of the prosecutrix made on 20.09.2024, before the investigating agency, in the presence of her counsel, she had stated that on 25.08.2024 she had left her house of her own free will and called the petitioner at old Faridabad, Railway Station, whereafter they both left for Phagwara. In the said statement, she did not level any allegation against the petitioner. However, on 21.09.2024, the prosecutrix got recorded her statement under Section 183 of BNSS, wherein she resiled from her earlier statement and narrated a contradictory version, rendering her testimony as not being trustworthy. Furthermore, there is an unexplained delay of 12 days in lodging the FIR. As per the MLR of the prosecutrix (Annexure P-5), no injury was found on her person. As such, there is no evidence on record to substantiate the allegations so levelled against the petitioner. The petitioner is a young man of 20 years of age with clean antecedents and has already undergone an actual custody of 1 year and 2 days.



4. As per office report, respondent No.2 has been served, but despite service there is no appearance on behalf of respondent No.2.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 1 year and 2 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 05.03.2025 and out of a total of 18 prosecution witnesses, none has been examined. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. Admittedly, the charges were framed on 05.03.2025 and out of total 18 prosecution witness, has been examined till date. The petitioner has undergone actual custody of 1 year and 2 days, and there is no other criminal case registered against him. The veracity of the allegations leveled 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.



8. 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

September 23, 2025

Ithlesh

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