



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

(221)

**CRM-M-38610-2025
Date of Decision: 17.9.2025**

Pushpender @ Punit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vijay Dahiya, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 0749 dated 13.12.2024 under Section 4 of POCSO Act and Sections 127(2), 137, 352(2) 64(1) and 96 of BNS, registered at Police Station Kharkhoda District Sonipat.

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

“Sir, I xxxxxx D/o Sh. Rajesh resident of near Ambedkar Chowk, Kharkhoda. I am student of class 10th. My date of birth is 24.07.2008. Heena daughter of Sanjay resident of Ekta Chowk, Kharkhoda was my class mate and friend. I came in contact with Punit brother of Heena and started talking with him. Last month, I came to the place of my maternal uncle (Mama) Surender Son of Chand Ram, resident of Bhatia Colony, Panipat. Yesterday, on 12.12.2024 at about 3:00 p.m. Punit came to know about her and reached her maternal uncle's house. At that time her maternal uncle was not at home and her maternal Aunty was busy in house hold work. Punit lured me and brought at his house and during night he



did wrong act. He extended threats saying that if I would tell anyone he will kill my brother. When I reached home, my family members after seeing my condition asked and I told them everything. It is therefore requested to take legal action against Punit Son of Sanjay.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is a 20 years old young boy, has been falsely implicated in this case by the prosecutrix. It is submitted that there are material inconsistencies, improvements and contradictions in the statements of the victim, recorded at the time of registration of the FIR; and in her statement recorded under Section 183 BNSS, and before the Medical officer. It has also been submitted that even the victim has refused to get herself medically examined. Moreover, the FSL report also does not support the prosecution version. The material witnesses i.e. the victim and her father have been examined. He further submits that the petitioner has undergone an actual custody of 07 months and 19 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 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 07 months and 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 22.4.2025 and out of total 19 prosecution witnesses, 02 have 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 22.4.2025 and out of total 19 prosecution witness, only 02 have been examined till date. The material witnesses i.e. the victim and her father have been examined. The petitioner has undergone actual custody of 07 months and 19 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 17, 2025
Gurpreet Singh

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