



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M No.27228 of 2025
Date of decision: 13.08.2025

VIKAS ALAIS KASHI

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Sandeep Saini, Advocate for the petitioner.
Mr. Brijesh Sharma, AAG, Haryana.
Ms. Neha Randhawa, Advocate for the complainant.

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.55 dated 26.03.2024 under Sections 363, 366, 366-A of IPC (Sections 376(2)(N), 342, 506, 120-B, 328, 201 of IPC and Section 6/17 of POCSO Act added later on), registered at Police Station Lakhan Majra, Rohtak, District Rohtak.

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

*“To SHO Sahab Police Station Lakahan Majra Rohtak
Subject- Regarding kidnapping of minor girl. Sir, my request is that, I Man Singh s/o Ramdia resident of Village-Girawad. I have two children, one boy and one girl named Xxxx, whose age is 16 years. On 22.03.2024, my daughter came to Rohtak Girls Senior Secondary School Kachha Beri Road with my food and after giving food, she went home. But after that there was no trace of my daughter. I searched a lot in my relatives and family and information about whicsh no. trace could be found. Today on 26.03.2024, my daughter had 10th board paper in Mokhra school, I got the information about my daughter Xxxx appearing in the paper. On which I reached school Mokhra with my family. My daughter Xxxx was found with Moni W/O Satish a woman who told her name as Moni wife of Satish resident of IDC Chowk near Hisar Road, Who stated that her girl was with her from 22.03.2024 to today 26.03.2024. Many days ago, Vikas, a resident of Jind, threatened me over the phone to kidnap my daughter Xxxx. I have full suspicion that Moni W/O Satish is in contact with Vikas. These people have together kidnapped my daughter Xxxx*



and exploited her and committed wrong act with her. Moni W/O Satish and Vikas, residents of Jind and someone else has been involved with them. Strictest legal action should be taken after proper investigation. I have submitted an application to you today on 26.03.2024. Thank you. SD-Man Singh.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the father of the prosecutrix, solely because he was well known to her. It is submitted that there is no evidence on record to indicate towards the complicity of the accused. In fact, in her statement recorded under Section 164 Cr.P.C., the prosecutrix had stated that she had left her home on her own will. It is further submitted that the prosecutrix, her father and even her aunt did not support the case of the prosecution before the learned trial Court and were declared to be hostile witnesses. In this regard, reliance is placed upon Annexures P-2 to P-4.

Two of the co-accused have already been granted concession of regular bail vide orders dated 16.10.2024 and 19.11.2024. The petitioner, a 24 year old man with clean antecedents, has already undergone an actual custody of 01 year, 04 months and 15 days.

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 01 year, 04 months and 15 days. He on instructions from the concerned investigating officer submits that challan has been presented on 18.05.2024 and charges have also been framed on 05.06.2024. He also submits that out of a total of 25 prosecution witnesses, 23 have been examined. 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. On a perusal of the case in hand, it transpires that the petitioner is behind bars since 28.03.2024. Investigation is complete. 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 out of 25 prosecution witnesses, 23 witnesses have been examined so far. Two co-accused have been granted concession of regular bail. The prosecutrix as well as the complainant have turned hostile during the course of trial. 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. 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

13.08.2025
Jyoti-IV

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