

2025:PHHC:086333



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

Sr. No.213

CRM-M-62013-2024 (O&M)  
Date of decision : 16.07.2025

Aakash

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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**KIRTI SINGH, J. (Oral)**

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.549 dated 03.07.2023 under Sections 323, 324, 452, 506 & 34 IPC (Sections 326 & 354-A IPC and Section 6 of POCSO Act were added subsequently), registered at Police Station Sector 58, Faridabad.

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

*“To, The Station House Officer (SHO) Police Station Sector-58. I, xxxx, daughter of Kanta Prasad, resident of House No. 264, Rajiv Colony, Shiv Mandir Street, wish to report that: This morning around 6:00 AM, I went for a walk towards Sector 56. When we reached the dirt path behind Ashiana Flats in Sector 56, a boy named Akash, who also lives in Rajiv Colony, along with another boy whose name I don't know, approached us on foot. Akash started verbally abusing me. When I asked him to stop, Akash began physically assaulting me. Then Akash took out a knife and stabbed my mother's hand. When I tried to call my father and brother, Akash picked up a*

2025.PHHC:086333



*brick and hit my head with it. The other boy also joined in assaulting me and my mother. After being informed, my brother arrived at the scene, and Akash and his companion fled. My brother admitted me and my mother to Civil Hospital Ballabgarh for treatment. Later, I learned that Akash and his companion went to our house, broke in, and seriously injured my father and younger sister Nisha with a knife before fleeing. A boy named Arif, who lives in Ban Market, was also helping these two. Neighbours admitted my father and sister Nisha to Civil Hospital for treatment. From there, my brother transferred all four of us to Manavta Hospital Ballabgarh, where we are currently receiving treatment. We had previously filed complaints against Akash at the police station as he had been threatening to kill us. Action should be taken against the culprits. I have submitted this complaint in the presence of my brother and parents. I can identify the two boys who were with Akash if they are brought before me. Complainant Sd/ xxxx Contact: 9560591544, 9717503648 Date: 03/7/23”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case, which was initially registered upon the allegation of the complainant that the petitioner had attacked the complainant and her family members. However, to further raise the gravity of the charges against the petitioners, the sister of the complainant in her statement recorded subsequent to the registration of the FIR in 2023, further leveled allegations against the petitioner of forcefully establishing physical relations with her in the year 2019. However, the true factual matrix, it is submitted, is that it was actually a case of quarrel between the complainant party and the petitioner, which has been given such a serious criminal colour. Further, the complainant and the prosecutrix have

2025:PHHC:086333



already been examined by the learned trial Court. Learned counsel submits that the petitioner has undergone a prolonged custody period of 02 years and 11 days and is not involved in any other criminal case. Reliance has been placed upon a judgment passed by the Hon'ble Supreme Court in **Manoranjana Sinh Vs. Central Bureau of Investigation, 2017 (1) RCR (Criminal), 1025.**

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 02 years and 11 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 27.03.2024 and out of a total of 22 prosecution witnesses, 02 witnesses 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 05.07.2023. 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 22 prosecution witnesses, only 02 witnesses have been examined so far. The complainant and the prosecutrix have been examined by the learned trial Court. The

2025.PHHC:086333



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

2025:PHHC:086333



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.

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

**(KIRTI SINGH)**  
**JUDGE**

**16.07.2025**

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No