



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

206

**CRM-M-63707-2024(O&M)  
Decided on: 25.07.2025**

FAROOKHDEEN

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

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

PRESENT: Mr. Gagandeep Rana, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Inderjeet Singh, Advocate for complainant.

\*\*\*\*

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

1. This is second petition under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.157 dated 28.04.2023, under Sections 34, 365 of IPC, 1860; Section 365 deleted later on; Sections 363, 366, 376(2)(n) of the IPC, 1860, added along with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006, registered at Police Station Bilaspur, District Yamuna Nagar, Haryana.
2. The first petition for regular bail filed by the petitioner was dismissed on 09.04.2024 in CRM-M-30384-2023.
3. The contents of the aforesaid FIR are reproduced herein below:-

*“To The Incharge Police ChokiRanjitpura Police Station Bilaspur. Sir, it is submitted that | Sakur Ahmed son of Kaimdeen am resident of Village Jaitpur Police Station Bilaspur. I have three children, one daughter and two sons. My daughter xxx aged about 16/17 years and my family members resides at home. That today on 28.04.2023 at about 4.00 morning one vehicle came to my house and in which Farukh son of Mustak resident of Jaitpur, Mohish son of Matlub resident of Village Jaitpur and Imran son of Sabrati Village Bumbepur and Mehboob son of Alijan resident of Village Kot Police Station Chachorili came. Who took my daughter by kidnapping. That we inquired at the house of Farukh about daughter xxx, the family members of Farukh left by locking the*



*house. The family members of Farukh have helped in kidnapping the daughter xxxx. The search may kindly be conducted of daughter xxx. And legal action be AJAY KUMAR SINGH taken against above said persons. The appearance of daughter Parveen: Colour white, good body, wearing Sky colour Salwar Kamij and Silver, Karas in hands and anklets.”*

4. Learned counsel for the petitioner submits that the petitioner has been implicated in the present case on the statement of the father of the prosecutrix, alleging that the petitioner had kidnapped his daughter/prosecutrix. It is submitted that the petitioner and the daughter of the complainant had solemnized marriage on 03.05.2023, which was valid under Muslim law. Thereafter, the couple had even filed a joint petition bearing CRWP-4429-2023, seeking protection of their life and liberty, which was disposed of vide order dated 19.07.2023, in view of the statement of the prosecutrix recorded under Section 164 Cr.P.C. wherein she specifically stated that she had married the petitioner herein as per Muslim law, being entitled to do so because she is above 16 years of age. It was also stated therein by the prosecutrix that she was happily living with the petitioner. Furthermore, the prosecutrix had even refused to undergo her medical examination. It is submitted that the petitioner had already undergone a prolonged incarceration since 12.05.2023. The petitioner is a man of clean antecedents and has no other case registered against him.

5. *Per contra* learned State counsel as also learned counsel for the complainant have vehemently opposed the present petition and submit that the petitioner was actively involved in the commission of the alleged offence.

6. Learned State counsel 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 02 years, 02 months and 13 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 10.08.2023 and out of a total of 18 prosecution witnesses, two i.e. prosecutrix and complainant, have 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.

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

8. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 12.05.2023. Investigation is complete. The material witnesses i.e. prosecutrix and complainant stand 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 10.08.2023 and out of a total of 18 prosecution witnesses, two stand examined. 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.

9. 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.

10. 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.

11. 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.

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

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

**25.07.2025**

*Kavita*

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