



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

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**CRM-M-28676-2025(O&M)
Decided on : 28.05.2025**

BALWANT ALIAS SANGRAM

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vaibhav Parashar, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Maneesh Bali, Advocate for complainant/respondent No.2.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.751 dated 01.12.2023 under Section 506 of IPC and Section 6 of POCSO Act, registered at Police Station Mujessar, District Faridabad.

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

“Respectfully stated to the Chawnki Incharge, I request that I am Vinod son of Laxman, resident of village Arera, police station Arera, Madhubani, Bihar, presently residing as a tenant, street no. 2, Jeevan Nagar part 2, Faridabad. I have four children. Among them, my eldest daughter is xxx aged 17 years old. She gave birth to a child yesterday on 30.11.23 in Yatharth Hospital, Faridabad. My daughter Komal told that Sangram Bagi alias Balwant Bagi, who lives in our neighborhood, forcibly had physical relations with her for the first time in October last year. Even after that, he has forcibly had physical relations with her many times. He threatened to kill her if she told anyone. Sangram alias Balwant does not live here for about five six months now. Action should be taken against Sangram Bagi alias Balwant Bagi.”



3. Learned counsel for the petitioner submits that the petitioner and the prosecutrix were in a consensual relationship and also have a child from the same. It is further submitted that the petitioner and the prosecutrix wish to solemnize marriage, and have the blessings of both the families, including respondent No.2 on whose statement the present FIR was registered. He further submits that the petitioner has undergone an actual custody of 01 year, 01 month and 03 days and there is no other case registered against him.

4. Learned counsel for the complainant/respondent No.2 does not dispute the submissions made by learned counsel for the petitioner.

5. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 01 month and 03 days and there is no other case registered against him. She on instructions submits that charges were framed on 08.08.2024 and out of a total of 21 prosecution witnesses, none has been examined till date.

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

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 25.04.2024. A compromise has been effected between the parties. 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 21 prosecution witnesses cited, none stand examined so far. Therefore, the trial in the



present case will not conclude anytime soon. 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.**

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 her 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



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proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

28.05.2025

Kavita

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*