



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

220

CRA-S-1108-2025 (O&M)  
Decided on: 14.10.2025

SURESH

. . . Appellant(s)

Versus

STATE OF HARYANA AND ANR

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Ms. Neeru Bansal, Advocate  
for the appellant.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

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

**CRM-13515-2025**

This application is for condonation of delay of 690 days in preferring the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 690 days in filing the appeal is condoned.

**CRA-S-1108-2025 (O&M)**

1. The present appeal has been preferred against the order dated 17.3.2023 passed by the learned Additional Sessions Judge, Karnal, whereby the application filed by the appellant under Section 439 Cr.P.C. seeking regular bail in case FIR No.193 dated 02.04.2022 under Sections 376(3), 376AB, 450 IPC, Section 6 of the POCSO Act and Sections 3(2)(v) and 3(1) (i) of SC/ST Act, 1989, registered at Police Station Gharaunda, District Karnal, has been dismissed.

2. The contents of the aforesaid FIR are reproduced herein below:-

*“To The S.H.O. Sahab, Police Station Gharaunda. Subject-  
For taking Icgai action against Suresh Mob. No. xxx.*



*resident of viliage Kohand. Tehsil and Police Station Gharaunda, District Karnal. regarding committing rape upon minor I Kumar aged 8 years son of Manish Kumar. Village Kohand. Sir. It is submitted that I, Manohar son of Mudela Dass. am resident of village Kohand. Tehsil and Police Station Gharaunda. District Karnal. J is my granddaugther. who is minor. On dated 02.04.2022 in day time at about 11.00 A.M. my granddaugther was present alone in my house in village Kohand. when accused Suresh taking advantage of opportunity. has committed rape with my granddaugther. The age of accused Suresh is about 50 years and age of my granddaugther is about 8 ycars and my granddaugther is minor. It is prayed to you that a police report may be registerd against accused Suresh and the accused may be got convicted. I shall be highly obliged. Thanks.”*

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case by the complainant, due to a prior enmity between the son of the appellant and the father of the victim, factum of which was admitted by PW-1 and PW-2 before the learned trial Court. Furthermore, there is no evidence to substantiate the allegations levelled against the appellant, and the MLR as well as the FSL report also do not support the prosecution case. The allegations levelled under the SC/ST Act are also vague and uncorroborated, and as such not even a *prima facie* case is made out under the provisions of the Act. The appellant has undergone an actual custody of 03 years, 06 months and 05 days and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submits that the appellant was actively involved in the commission of the alleged offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone actual custody of 03 years, 06 months and 05 days and there is no other case registered against him. She on instructions from investigating officer submits that charges were framed on 21.11.2022 and out of total 23 prosecution witnesses, 14 stand examined. She, however, submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.



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

6. As per office report, notice issued to respondent No.2 has been received back served through her grandfather. However, none has put in appearance on her behalf.

7. From a perusal of the case in hand, it transpires that the appellant is behind the bars since 08.04.2022. 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 charges were framed on 21.11.2022 and out of total 23 prosecution witnesses, only 14 have been examined. However, the material witnesses 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/appellant. Keeping the appellant 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. Accordingly, the present appeal is allowed and the appellant 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 appellant shall also abide by the following conditions:-

(I) The appellant will not tamper with the evidence during the trial.

(II) The appellant will not pressurize/intimidate the prosecution witness(s).

(III) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The appellant 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 appellant 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.

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

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

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

**14.10.2025**

*Kavita*

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