



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-8193-2025(O&M)
Decided on: 20.03.2025

DEEPAK

. . . Petitioner(s)

Versus

STATE OF UNION TERRITORY CHANDIGARH . . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Ms. R.K.Grewal, Advocate for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh and
Ms. Diksha Sharma, Advocate for UT.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.169 dated 09.11.2024 under Sections 74, 75(1)(2), 77 and 78 of BNS and Section 08 of POCSO Act, registered at Police Station Sector 39, District Chandigarh.

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

“Statement that I am P D/o Deepak Mathur R/o H.No. 555/1 Sec 56 UT, Chandigarh, I'm residing along with my family at the above mentioned address and I am student of 10th class and studying in Govt. Model School Sec 40A UT Chandigarh. That when I was going to school or when I returned back to home after school, then a boy named Deepak who lives at Jujhar Nagar forcefully touched my person with bad intention for example he touched my back with his hands when I refused Deepak from touching in this way then he started scuffling with me and he pressurized me to become his friend, further more when I stopped him from doing above mentioned acts, then he threatened me to kill me, he use to click my photographs on his mobile phone even today he abused me and had scuffled with me. For the said reason I request you to initiate appropriate legal action against him. ”



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that the petitioner and the prosecutrix are well acquainted as can be ascertained from the what-sapp conversations between the two (Annexure P-2 to P-5) and even their families are well known to each other. The petitioner has undergone an actual custody of 04 months and 11 days and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submits 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 actual custody of 04 months and 11 days . He on instructions from ASI Parvinder Singh submits that charges were framed on 18.01.2025 and out of total of 11 prosecution witnesses, only 01 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.

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

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 10.11.2024. 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 total of 11 prosecution witnesses, only 01 has been examined till date. 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 violate 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. 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 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/her 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

20.03.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No