



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(208+105)

CRM-M-1273-2025 (O&M)
Date of Decision: 11.09.2025

PERVINDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Sukesh Kumar Jindal, Advocate,
Ms. Komal Jindal, Advocate and
Ms. Sonia Bohat, Advocate for complainant.

KIRTI SINGH, J. (ORAL)

CRM-35530-2025

Allowed as prayed for subject to all just exceptions.

Main case

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.509 dated 22.08.2024, under Sections 354-D and 506 of IPC and Sections 4 and 12 of POCSO Act (Section 376(3) of IPC and Section 6 of POCSO Act added later on), registered at Police Station Samalkha District Panipat.
2. The translated version of the FIR is reproduced below:-

“Contents of the application are as under To The SHO Sahas, Police Station Samalkha, Panipat. Sir, my request is that I am xxxxx daughter of Ravindra, resident of village Machhrauli. I am 15 years old and I also study in 11th class. A boy of my village Parvinder son of Jaipal of village Machhrauli has been harassing me mentally for a long time and keeps



harassing me while going to school and also keeps harassing me mentally on the way by threatening me many times. When I refuse that boy, he threatens to kidnap me and has also forcefully done wrong things with me at my home. Legal action may be taken against that boy. He also has some of my messages and my personal photos in his phone due to which he is harassing me repeatedly. The wrong thing happened with me at my home on 25/02/2024. SD xxxx, Applicant xxxxx daughter of Ravindra, village Machhrauli mobile no.8397906283, 9050502401 dated 22-08-2024.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. Reliance is placed on Annexure P-4, which is the complaint made by the prosecutrix against the petitioner on 19.08.2024. It is submitted that thereafter, on 22.08.2024 a similar complaint (Annexure P-5) was filed by the prosecutrix wherein only one line was added mentioning that wrong act had been done with her on 25.02.2024, on the basis of which present FIR has been registered. As is thus evident, there is an unexplained delay of about 6 months in the registration of the instant FIR. Further, upon the medical examination of the prosecutrix, no external injury was found on her person. Even the UPT test of the prosecutrix turned out to be negative. As such, there is no direct evidence to connect the petitioner with the alleged offences. The prosecutrix has already been examined before the learned trial Court. It is submitted that the petitioner, a 22 year old with clean antecedents, has already undergone an actual custody of 1 year and 16 days.

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 1



year and 16 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 30.09.2024 and out of a total of 19 prosecution witnesses, only one has been examined. 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. Admittedly, the charges were framed on 30.09.2024 and out of total 19 prosecution witness, one witness (victim) has been examined till date. The petitioner has undergone actual custody of 1 year, and 16 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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 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.
- (VI) The petitioner shall not make any attempts to re-associate with the victim girl in any manner either through a device or in-person.

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

September 11, 2025

Ithlesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No