



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18504-2025 (O&M)
Decided on : 29.04.2025

RAKESH NEGI

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ajay Kripal Singh, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

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.187 dated 14.08.2024 under Section 137, 96 (Sections 65(1), 64(2)(m), 332(b), 318(4), 61(2) of BNS and Section 6 of POCSO added later on) registered at Police Station Bass, District Hisar.

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

“The brief facts of the case are that on 14.08.2024 complainant Kavita wife of Anil resident of Mohla came in Police Station Baas and gave written complaint which is as under: To, SHO Sahib, Police Station Baas, Subject: For registration of missing report. Sir, it is requested that I, Kavita wife of Anil son of Azad caste Dhanak is resident of Mohla, Tehsil Baas, District Hisar. On 14.08.2024, my minor girl Khushi went for study in Haryana Senior Secondary School who have not returned back until now. Shape of my daughter is as under: colour white, length 5'4", round face, age 14 years 6 months, black colour frock and wore blue colour slippers in feet. I have inquired in all my relatives and neighbourhood, however, till today, no whereabouts can be found. My daughter is minor and I have fully suspicion that Monu son of Prem caste Dhanak Mobile No.9467114819 has fled away my daughter. Hence, it is requested to you that kindly take immediate action against Monu above and my girl handed over us safely. I shall be thankful to you. From the contents of the complaint, offence under Section 137(2), 96 BNS was found to be made out and abovesaid case was registered.”



3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner is neither named in the FIR nor has any specific role been attributed to him. The petitioner was working as a manager at Ashoka Hotel, where the victim allegedly stayed along with the main accused. It is further submitted that in the victim's statement recorded under Section 183 of the BNS, as well as in the counselling report, the victim did not make a single allegation against the petitioner. The petitioner was arrested after a delay of 06 months and has undergone an actual custody of 02 months and 07 days. It is also submitted that the petitioner has clean antecedents and no other criminal case is registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 02 months and 07 days and there is no other case registered against him. He on instructions submits that challan was presented on 03.04.2025 and charges are yet to be framed. 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. 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 22.02.2025. Investigation is complete. The final report under Section 173



Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress. The petitioner has undergone a period of 02 months and 07 days and is not involved in any other criminal case. 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.

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 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.

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

(KIRTI SINGH)
JUDGE

29.04.2025

Kavita Nain

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