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

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**CRM-M-12522-2025(O&M)
Decided on: 24.04.2025**

Darshan Singh @ Bhalu

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.347 dated 04.11.2024, under Sections 137(2), 96, 64(2)(m), 140(3) BNS and Sections 6 and 12 of POCSO Act, registered at Police Station Bawani Khera, District Bhiwani.

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

“To, SHO, P.S. Bawani Khera, Sir, it is requested that I Jaiveer @Leela son of Om Parkash permanent resident of village Durjanpur. That yesterday on 03.11.2024, Sonu s/o Balwan, caste chamar enticed away in night my daughter (name withheld) aged about 15 years. Sonu was driver of my tractor, therefore, he was having visiting terms at my house. That on 02.11.2024, my daughter told us about blackmailing by that boy. My daughter told that Sonu is saying either have friendship with him or he will kill himself by consuming poison. Thereafter, when I made a telephonic call to Sonu then he switched off his mobile phone. His mobile no. 9034816057. Thereafter, I told all things to the mother of Sonu and since then I fired him from the job and I clearly said

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to his family members that Sonu should not visit his house or field in future. Since last three days, his phone is coming switched off. Thus, it is requested that legal action be taken against the above person and my daughter be searched and handed over to me. My daughter is having threat to her life from Sonu. Thus, immediate action be taken. Thanks, date of birth of my daughter (name withheld) is 29.01.2010. Applicant Jaiveer s/o Om Parkash, R/o vill. Durajanpur.”

3. Learned counsel appearing for the petitioner submits that the present FIR was registered on the statement of the father of the prosecutrix, leveling allegations against the main co-accused. It is submitted that petitioner has been falsely implicated in the case, and that he was not even named in the FIR. It was in the statement of the prosecutrix recorded under Section 164 Cr.P.C. that the name of the petitioner figured, however, therein also, no incriminating allegations have been leveled against the petitioner. The sole link to tie the petitioner to the instant case is qua the procuring of sleeping pills, however, there is no evidence to substantiate the administering of the pills allegedly procured to the prosecutrix. Further, co-accused Aasish, against whom similar allegations have been leveled, has already been granted the concession of regular bail by the learned Trial Court. He further submits that petitioner is a person of clean antecedents and has undergone an actual custody of 05 months and 06 days.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 05 months and 06 days. He on instructions from investigating officer submits that charges were framed on 06.02.2025 and out of a total of 44 prosecution witnesses; only 03 have been examined

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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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 17.11.2024 and has no other case registered against him. 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 06.02.2025 and out of total of 44 prosecution witnesses, only 03 have been examined so far. The material witnesses have already been examined and co-accused has already been granted concession of regular bail. 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. 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.

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(IV) The petitioner 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 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

24.04.2025

Kapil

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