



CRM-M-42288-2024(O&M)

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

108+211

CRM-M-42288-2024(O&M)
Decided on: 15.09.2025

Sunny @ Parveen

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Ms. Pooja Jaglan, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)**CRM-16214-2025**

The application is allowed as prayed for. Annexures P-6 to P-9 are taken on record.

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1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.611 dated 06.10.2022, under Sections 365 IPC (now deleted) and Sections 363, 366-A, 376(2)(n), 376-D IPC (Section 6 of POCSO Act added later on), registered at Police Station Industrial Sector-29, Panipat, District Panipat.
2. The contents of the aforesaid FIR are reproduced herein below:-

“ On dated 06.10.2022 father of victim girl came present in police station and presented an application to the effect that his daughter aged 16 years is missing from room since 4:00 AM. And they are still searching for her, but she has not been found someone has kidnapped his daughter. He requested to



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trace out his daughter on the basis of the complaint FIR was registered under section 365 IPC”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR, which was lodged on the statement of the father of the prosecutrix, to report his daughter as missing. It is submitted that the prosecutrix, who is aged between 17-18 years as per her ossification test conducted on 20.10.2023, was in a consensual relationship with the main co-accused, and had left her home and accompanied him on her own free will. There is no evidence on record to indicate towards the complicity of the present petitioner, who has been nominated as an accused solely for the reason of being known to the main co-accused. Furthermore, the material witnesses including the prosecutrix and her parents have been examined before the learned Trial Court who have resiled from their previous statement and have not supported the case of the prosecution (Annexures P-7 to P-9). have been examined who turned hostile. Even otherwise, there is no direct evidence to substantiate the allegations levelled against the petitioner. It is submitted that one of the co-accused has already been granted the concession of regular bail by learned Additional Sessions Judge, Fast Track Court, Panipat vide order dated 21.03.2025 (Annexure P-6). The petitioner, 26 years old, is a man of clean antecedents and has already undergone a custody period of 02 years, 01 month and 14 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 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone



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actual custody of 02 years, 01 month and 14 days. He on instructions from investigating officer submits that charges were framed on 06.12.2023 and out of a total of 21 prosecution witnesses, 13 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner 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 29.07.2023. 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 06.12.2023 and out of a total of 21 prosecution witnesses, only 13 have been examined till date. The material witnesses have not supported the case of the prosecution in their depositions before the learned Trial Court, and have resiled from their previous statements. The culpability of the petitioner, 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



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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 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

15.09.2025

Kapil

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