



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

216+104

CRA-S-782-2025 (O&M)
Date of decision : 28.08.2025

Chhote Lal @ Rambir SinghAppellant

versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jainainder Saini, Advocate with
Ms. Shilpa Saini, Advocate for the appellant.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

None for respondent No.2, despite service.

NAMIT KUMAR, J. (ORAL)

CRM-34228-2025

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for placing on record zimni orders dated 12.07.2023 to 24.07.2025 as Annexure A-5.

Allowed as prayer for subject to all just exceptions.

CRA-S-782-2025

1. The appellant has filed the instant appeal against the order dated 05.02.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Faridabad, whereby an application filed by the appellant under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail in case bearing FIR No.77 dated 30.03.2021 registered under Section 506 of Indian Penal Code, 1860; Sections 6 of Protection of Children from Sexual Offence Act, 2012 and Section 3(2)



(v)/33/89 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women NIT, Faridabad, has been dismissed.

2. Brief facts of the case are that on 30.03.2021, the mother of the victim made a complaint to the police alleging that she works in a private company. On 30.03.2021, her daughter told her that one uncle, who ply rickshaw, called her in a park, gave her Rs.10/- and touched her private part with his finger and threatened her that if she disclosed this incident at home, he would kill her. Her daughter further told that she knew the accused for many days as he stays in park. On the basis of the said complaint, the instant FIR was registered.

3. Learned counsel for the appellant submits that the appellant, who is 69 years old, is innocent and has been falsely implicated in the present case. He submits that the father of the victim and the appellant both used to ply Rickshaw and the father of the victim was having a jealous feeling against the appellant as the appellant was earning more than him. He submits that initially the FIR was registered under Section 506 of IPC and Section 6 of POCSO Act and later on Section 3(2)(v), 33 & 89 of SC/ST Act were added after recording of supplementary statement of father of the prosecutrix.

4. Learned counsel for the appellant further submits that the appellant is behind the bars since 31.03.2021 and is not involved in any other case. He submits that investigation in the present case is complete; challan stands presented; charges have been framed and out of total 18 prosecution witnesses, only 09 have been examined so far. He further



submits that the trial is moving at snail's pace as the last prosecution witness was examined on 12.07.2023 and thereafter, no prosecution witness has been examined and the next date of hearing fixed before the Trial Court is 18.11.2025. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the appellant behind the bars.

5. Per contra, learned State counsel has vehemently opposed the prayer for grant of regular bail to the appellant on the ground that the allegations against the appellant are serious in nature. However, she could not refute the factual position that out of total 18 prosecution witnesses, only 09 have been examined so far. She has also filed custody certificate dated 26.08.2025 in the Court which is taken on record. As per the custody certificate, the appellant is behind the bars since more than last four years. The custody certificate further shows that the appellant is not involved in any other case.

6. I have heard learned counsel for the parties and perused the record.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. It has further been held in law that if a person is deprived



CRA-S-782-2025 (O&M)

4

of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play. Reference in this regard is being made to the law laid down by the Hon'ble Supreme Court in *Akhtari Bi Vs. State of M.P. : (2001) 4 SCC 355*, *Surinder Singh Alias Shingara Singh Vs. State of Punjab : (2005) SCC (Crl) 1674*, *P. Ramachandra Rao Vs. State of Karnataka : (2002) 4 SCC 578*, *Babu Singh and others Vs. State of U.P. : (1978) 1 SCC 579*, *Takht Singh and others Vs. State of M.P. : (2001) 10 SCC 463*, *Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.)* and *Fazal Vs. State of Uttar Pradesh : (2012) 5 SCC 752*.

9. Keeping in view the custody period of the appellant which is 04 years, 04 months and 27 days and the facts that investigation has been completed; challan has been presented; charges have been framed and out of total 19 prosecution witnesses, only 08 have been examined so far and the trial may take a considerable time to conclude, therefore, the impugned order dated 05.02.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Faridabad is set aside and the appellant is ordered to be released on regular bail during trial on his



CRA-S-782-2025 (O&M)

5

furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. The appeal stands disposed of accordingly.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present appeal only.

28.08.2025

kothiyal

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No