

2025:PHHC:031905



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

Sr. No.107+218

**CRM-M-49599-2024 (O&M)  
Date of decision : 06.03.2025**

Parveen

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Gaurav Grover, Advocate, for the applicant-petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

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**KIRTI SINGH, J. (Oral)**

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.514 dated 06.06.2023, under Section 6 of POCSO Act, and Sections 363, 366-A, 376(2)(n), 376(2)(f), 376(3) & 506 IPC, registered at Police Station HTM Hisar, District Hisar.

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

*'To the SHO 12-quarter Hisar, Sir, that I am Umesh Solanki son of Rajendra Solanki resident of near Jati Dharamshala Mahavir Colony, Hisar. I have 5 children out of which 4 are girls and a boy. Two of them are married and today on 06/06/23 at about 11 AM my daughter Riya aged 17 years she has went somewhere from house without informing anyone. I have suspect on my son in law Parveen resident of Hansi that he has hidden our somewhere. My daughter should be searched whose complexion is whitish. Tall face, thin body, height 5 feet, is wearing a blue suit. Wearing slippers on her feet. SD/- Umesh Solanki resident Mahavir son of of Rajender*

2025:PHHC:031905



*Solanki Panchayati Colony, Dharmashala, Hisar, Mobile No.8950229607, 9310704919'*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C., no alleged allegation of rape has been made out against the petitioner. He further submits that the petitioner has undergone an actual custody of 01 year & 04 months and there is no other criminal case registered against him. He also submits that material witnesses i.e. the complainant and the victim have turned hostile during trial.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 01 year & 04 months and there is no other criminal case registered against him. She on instructions from the concerned investigating officer submits that charges were framed on 01.04.2024 and out of a total of 22 prosecution witnesses, 05 witnesses have been examined till date. It is not disputed that the complainant and victim has turned hostile during trial. She 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.

2025:PHHC:031905



6. A perusal of the case in hand transpires that the petitioner is behind the bar since 05.11.2023. 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 out of 22 prosecution witnesses, only 05 witnesses have been examined so far. The complainant and victim have turned hostile during trial. 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 violate 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.

2025:PHHC:031905



(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.

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

**(KIRTI SINGH)**  
**JUDGE**

**06.03.2025**

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No