



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

(213)

CRM-M-13522-2025(O&M)

Date of Decision: 01.09.2025

SANDEEP

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. N.K. Ganga, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

Mr. Pardeep Sihmar, Advocate for complainant.

KIRTI SINGH, J. (ORAL)

1. 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.120, dated 29.02.2024 under Sections 365/376(2)(n), 450, 506 of IPC and Section 6 of POCSO Act, registered at Police Station Barwala District Hisar.

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

*“To, The Women Help Desk / Police Station Barwala, District Hisar.
Subject: Application against Sandeep S/o Narayan Das resident of
Kotli, Tehsil and District Sirsa and other unknown three ladies and
three young men. Sir, it is requested that applicant, xxx, minor
through natural guardian mother xxxx W/o Shri Deep Chand is
resident of Kharkada (caste Ode), Tehsil Barwala, District Hisar. We
are four brothers-sisters. I used to go for study at Banbari Nursing
College. Sandeep S/o Narayan Das has relatives at village
Kharkada. In village Kharkada, Sandeep used to visit. That
whenever he used to visit, in the meantime I have talked with
Sandeep. After that, one day I was alone at home. During that
Sandeep has come to my house and along with me has taken my
photo in his mobile. After that; one day Sandeep met me in the bus*



while going for college and threatened to me that if you have not talked with me over phone then in wrong manner I shall viral your photo over social media. In the same manner he keeps on recording my call and used to blackmail me. Because of this fear I have not told above mentioned matter to my family members. Then on date 26.02.2024 after closure of college I have come at the gate of college then Sandeep told me that you should come forward, your parents also have come to receive you. They have come with me. You come and today will introduce with you. By saying this Sandeep has taken to me by riding on back seat of his motorcycle. After that he accelerated bike at fast speed. Side by side of him other two youngmen were also on another bike and were following us. And at village Bajekhap Sandeep has taken to me at the house of his aunty (Mausi) Pink. During this in the evening Sandeep has taken to me in separate room and gave biscuit and cold drink and girls of Pinki gave şabzi-chapati laced with some intoxicant medicine. After that I started feeling a little sleepy and then they went outside of room and then Sandeep came into my room and he has taken out his, and my clothes and said that we have performed marriage. He started caressing my private parts and after that he has taken dirty photographs from my phone. After that in the night without my consent and forcibly by scaring me he has done many times dirty acts with me. After that when I have gained consciousness then door of my room was locked from outside. After that in the morning when I have arisen from, sleep, then I have seen my condition and then I have shouted loudly. On hearing my cries aunty (Mausi) xxx and daughters of xxx came inside of my room and started threatening me and then all of three ladies have forcibly given two tablets to me with hot water. After that three youngmen with Sandeep have come into my room and said to me that if you have done any complaint etc or attempted to go out of house then we have already broken leg of your father. Will kill to you and your family. They again confined to me in the room. After that my family members have arrived there and relieved to me from above mentioned accused persons. Today I have seen that Sandeep has made viral my photo on Facebook etc.. Because of this reason I have above mentioned things to my mother. Therefore, 'it is requested to your good self that by taking necessary legal action against above mentioned accused persons life and



property of me and my family members be protected. Sd/ xxxx Applicant xxxx minor through natural guardian mother xxxx W/o Shri Deep Chand resident of Kharkada (caste Ode) Tehsil Barwala, District Hisar. 97283 xxxxx.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a young boy of 20 years and has been falsely implicated in this case. The petitioner and the victim were known to each other and as per call details, they were in touch from the last three years. He further submits that there is no medical evidence to substantiate the allegations leveled against the petitioner, no other has been case against the petitioner and the material witnesses have been examined. He further submits that the petitioner has undergone an actual custody of 1 year, 5 months and 27 days. Reliance has been planed upon the judgment passed by the Delhi High Court on 22.04.2024 in Bail Application No.3371-2023, titled as '**Prashant Das Gupta V/s State of NCT of Delhi and another**'.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner. They state 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 1 year, 5 months and 27 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 11.12.2024 and out of a total of 29 prosecution witnesses, only one has been examined. She 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. Admittedly, the charges were framed on 11.12.2024 and out of total 29 prosecution witness, only one has been examined till date. The petitioner has undergone actual custody of 1 year, 5 months and 27 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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 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.

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

(KIRTI SINGH)
JUDGE

September 01, 2025
Ithlesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No