



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

225

CRM-M-7794-2025

Date of decision: 20.02.2025

ROBIN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Ms. Harshita, Advocate  
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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

1. This is a petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.300 dated 10.10.2022 under Section 346 of IPC, (later on challan was presented under Sections 120(B), 363, 366, 376 (2) (n) and Section 6 of POCSO Act, 2012) registered at Police Station Munak, District Karnal.

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

*“To the SHO Police Station Ballah -Sir, it is requested that I am Rajesh son of Jai Parkash by caste Jhangra, resident of Ballah. I have 1 girl and 2 boys. My daughter Tannu studies in Arya college Matlauda. On 10.10.2022, she went to college Matlauda for study in morning, she has not returned home as yet. on which I have inquired on my level but could not find any trace. On checking Rs 4 lacs were not found from the house and I have a doubt that Tannu has taken the said amount with her. My daughter is wearing a white suit, red chunni and slippers in her feet and was carrying a half-filled bag. whose body structure is like this round face, dusky complexion, slink body, injury mark on chin and height is 5.2 feet, age 17 years, who*



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*has gone where else without any information. My daughter may kindly be searched. SD Rajesh Kumar 9868300011. Police Proceeding today: S: along with HGH Parmod Kumar no. 394 presented at Ahaj mandi gate, Ballah. That Rajesh presented at written complaint. After perusal of complaint, it was found that the crime was committed under section 346 IPC, for registration of complaint, send to the HGH Parmod Kumar no. 394 at police station. After registration of case, case number be intimated. I SI along with complainant left for the search of girl. Today gate mandi Ballah, attested Rameshwar SI PP Ballah dated 10.10.2022 at 7:35 PM. Today police station now registered that ASI Ramniwash presented at police station.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner never enticed the prosecutrix to leave her house and both of them were in a consensual relationship. He has placed reliance on 164 Cr.P.C statement of the prosecutrix in which she did not utter a single word against the petitioner and admitted that she wants to live with the present petitioner. The petitioner has undergone an actual custody of 01 year, 10 months and 23 days and is not involved in other criminal case.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that there are serious allegations levelled against the petitioner. He 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, 10 months and 23 days as on 18.02.2025 and there is no other criminal case pending against him. He on instructions from the concerned investigating officer submits that charges were framed on 20.10.2023 and out of a total of 23 prosecution witnesses, 05 witnesses



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has been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 26.03.2023. 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 23 prosecution witnesses, 05 witnesses have been examined so far. The petitioner has undergone an actual custody of 01 year, 10 months and 23 days and there is no other criminal case pending against him. 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.

(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.

20.02.2025  
amandeep

(KIRTI SINGH)  
JUDGE

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