



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

(263)

CRM-M-34167-2025

Date of Decision: 10.7.2025

Balvinder @ Aman @ Gandhi @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

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. 1017 dated 7.11.2023 under Sections 365, 506, 34 IPC and under Sections 6 and 8 of the POCSO Act, 2012, registered at Police Station Samalkha, District Panipat-.

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

“To Police Post Incharge Samalkha. Sir, it is submitted that I Pxxx daughter of XXX resident of Village Patti Kalyana. I was studying in 8th Class and then I left the School. On dated 6.11.2023 at about 9.15 AM, I went at Satguru Medical Store for taking medicine where two boys namely Rahul and Aman resident of Patti Kalyana and they have teased me near Red Tape showroom. Thereafter they threatened me and they asked me to accompany them. Thereafter they got sit me in motorcycle and took me at Sewah Bus Stand and they left me near new bus stand Shiva. And now I at about 9.30 PM, went to my house they, Aman has committed wrong act with me behind bus stand and Rahul was with him. Legal action may kindly be initiated against them.”



3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. It is further contended that the petitioner and the prosecutrix were known to each other. Further, even on her medical examination, which the prosecutrix had initially refused, no external injury was found on her person which can corroborate the allegations levelled in the FIR. Reliance in this regard is placed on the MLR of the prosecutrix annexed as Annexure P-3. Moreover, the mother of the prosecutrix has turned hostile during trial. He further submits that the petitioner has been in custody for the last 01 year, 06 months and 13 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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, 06 months and 13 days. He on instructions from the concerned investigating officer submits that challan has been presented and charges were framed on 4.3.2024. He also submits that out of a total of 23 prosecution witnesses, two have been examined till date. He 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bars for the last 01 year, 06 months and 13 days. 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, only 02 witnesses have been examined so far. 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 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

July 10, 2025
Gurpreet Singh

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