

CRM-M-966-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-966-2025

Decided on: 14.05.2025

Mobin @ Lala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Dr. Pankaj Nanhera, Advocate
for the petitioner.

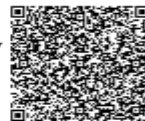
Ms. Mahima Yashpal, DAG Haryana

KIRTI SINGH, J. (Oral)

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.384 dated 30.07.2023, registered under Sections 346, 328, 362, 376(2)(n), 506 IPC and Section 12(1) of the Haryana Prevention of Unlawful Conversion of Religion Act of 2022 at Police Station Adarsh Nagar, Faridabad, Haryana.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“To the Officer In-charge, Police Station Adarsh Nagar, Ballabgarh, Faridabad. Sir, I, Narendra, son of Sh. Chandra Pal, am resident of Malerna Road, Gali No. 1, near Berry Ka Bagh, Adarsh Nagar, Ballabgarh. My youngest daughter, Shivani, aged 21, years teaches at Oxford School, Subhash Colony. She left home for school at approximately 07:00 AM on July 29, 2023, and has not returned home. I have been searching for my daughter Shivani extensively but

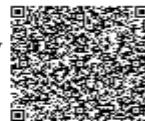


have not found her. Today, I have come to your police station for help. I request that a search be conducted for my daughter Shivani, whose description is as follows: wheatish complexion, slim face, well-built body, height approximately 5 feet 2 inches, wearing a light blue-colored stole and a sky-blue salwar suit with sandals on her feet. SD/ Narendra Kumar XXXXXXXXXXXX ”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the the present FIR, being the brother of the main accused. There is no allegation of rape or kidnapping against the petitioner and the sole act purportedly committed by the petitioner is stated to be that he accompanied the main accused and the prosecutrix when she left her home and solemnized marriage with the main accused on 31.07.2023. The allegation of administering a sedative substance to the prosecutrix by the petitioner is also unfounded. It is submitted that a similarly placed co-accused has been granted the concession of anticipatory bail by this Court vide order dated 06.02.2024 passed in CRM-M-46679-2023. He further submits that the petitioner has undergone an actual custody of 01 year, 07 months and 28 days and there is one more case registered against him, in which he is on bail.

4. Per contra, learned State counsel on instructions submits that in the present case charges were framed on 20.11.2023 and out of a total of 21 prosecution witnesses only 03 have been examined. He further submits that petitioner has undergone an actual custody of 01 year, 07 months and 28 days and there is one more case registered against him, in which he is on bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has undergone an actual custody of 01 year, 07 months and 28 days and there is one more case registered against

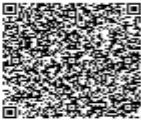


him, in which he is on bail. Even the trial of the case has not made much progress as out of 21 prosecution witnesses only 03 have been examined so far. Moreover, a similarly placed co-accused has been granted the concession of anticipatory bail by this Court vide order dated 06.02.2024 passed in CRM-M-46679-2023. 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 a violation 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.***

6. 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.

7. In case of breach of any of the above conditions, the prosecution shall



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be at liberty to move an application for cancellation of bail before this Court.

8. 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.

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

(KIRTI SINGH)
JUDGE

14.05.2025

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