



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

221

CRM-M-974 of 2025 (O&M)
Date of Decision: 23.7.2025

VIREDNDER @ TINKLE

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ashish Sinder, Advocate
for the petitioner.

Mr. Brijesh Sharma, A.A.G, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 293 dated 05.07.2024 under Section 140(3) BNS (Sections 137, 351(2), 62, 64(1), 87 of BNS added later on) and Section 4 and 18 of POCSO Act, registered at Police Station Ram Nagar, District Karnal.

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

“To Mr. S.H.O Sahib, Police Station Ramnagar, Karnal, respected sir, I humbly request that I am Pradeep Kumar S/O Prem Prakash, resident of Gali No. 1, Shastri Nagar, near Kheda Shiv Colony, my daughter Ashu D/o Pradeep Kumar, 2 months ago, went away with a boy's friend, after that, 2 days later, we brought our daughter from Punjab, after that, that boy started calling me continuously on my mobile, whose mobile number is 9780848268 and after that, today and tomorrow, again that boy is calling us on our number 7206661131 and my daughter Anshu went missing yesterday, dated 04/07/2024, around 12 noon, you are requested to help us in finding our daughter, I would be highly grateful to you, thank you, appearance, name Anshu, height 5 feet 3 inches, fair



complexion, wearing a yellow shirt and white pajamas. And was wearing pink colour ballet on his feet and there are light marks on his face, age is about 15 years 6 months, on whom we have doubt, name unknown M.N. 9780848268 Pradeep Kumar Applicant Pradeep s/o Prem Prakash M.N. 720666431 At this time it is registered that P/SI Sandeep Kumar is present at the police station, on receipt of a written application from Pradeep Kumar S/O Prem Prakash resident of street no. 9 Shastri Nagar near Kheda Shiv Colony, Karnal, regarding complainant's daughter Anshu Ba, age 15 years 6 months, leaving home without informing, FIR no. 293 dated 05/07/2024 under section 140 (3) BNS 2023, registered at police station Ramnagar, Karnal, is registered.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was not named in the instant FIR, which was registered at the instance of the father of the prosecutrix, but was nominated as an accused on the statement of the prosecutrix. It is submitted that there are contradictions in the various statements recorded by the prosecutrix before the counselor as also the Investigating Agency. The prosecutrix had even refused to undergo her medical examination. There is no direct evidence on record that indicates towards the complicity of the petitioner. He further submits that the petitioner has undergone an actual custody of 10 months and 27 days and is not involved in any 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 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 10 months and 27 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer



submits that the charges were framed on 16.04.2025 and out of a total of 18 prosecution witnesses, 01 witness has 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 bar since 27.08.2024. 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 18 prosecution witnesses, only 01 witness has 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 23, 2025
Jyoti-IV

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