



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-2417-2025(O&M)
Decided on : 12.03.2025

SALMAN

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ritesh Khatri, Advocate and
Ms. Deepika, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, 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.250 dated 15.07.2024 under Sections 140(3) of BNS read with Section 6 of POCSO Act 2012 registered at Police Station Faridabad Old, District Faridabad.

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

"I have a daughter namely Julie Praveena, studying in class 8th. Yesterday, on dated 14/07/2024, I was on my work and came back to home at 7:30PM then my younger daughter Juhi told that Julie Praveen was went to you but has not returned yet. We searched her as per our sources but could not found. Please search my daughter Julie Praveen, which description is as:- Color-Fair, Round Face, Thin Body and aged 16years, who was wearing a black colored suit-salwar. Applicant- Sakeela 9315691638, 9911976773. Today in the police station received above application and matter found according u/s 140(3) BNS and an FIR registered as case no.250, dated 15/07/2024, u/s 140(3) BNS, P.S. Old Faridabad. Prepared the computerized copies of FIR as per rule and sent to the officials and area magistrate via post. I SI sent a copy of police report along with original application to area police station. Note: -The investigation of the above said case is PSI Pankaj, P.S- Old Faridabad. "



3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is alleged that the petitioner and the prosecutrix were in a consensual relationship, and the FIR was lodged by the prosecutrix's father on allegations of kidnapping, since the prosecutrix returned home on her own. As per the FSL report, no semen was detected, and the medical report confirms that there were no injuries. He also contends that there are discrepancies in the prosecutrix's statements before the Child Welfare Committee and under Section 183 of the BNS. The petitioner has undergone an actual custody of 06 months and there is no other case registered against him. In support of his arguments, he places reliance on the judgments of the Delhi High Court in ***Mahesh Kumar vs. State (NCT of Delhi)***, reported as **2023 SCC Online Del 2634**, and ***Sahil vs. State (NCT of Delhi)*** in **Bail Application No. 2419 of 2023**.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate and status report dated 10.03.2025 in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and there is no other case registered against him. He on instructions submits that charges were framed on 10.02.2025 and out of a total of 22 prosecution witnesses, none has been examined till date. He, however, 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. A perusal of the case in hand transpires that the petitioner is behind the bars since 11.09.2024. 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 22 prosecution witnesses, none has been examined so far. The FSL report has also turned out to be negative. Therefore, the trial in the present case will not conclude anytime soon. 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 her 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 application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

12.03.2025

Kavita

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