



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

(216)

**CRM-M-2914-2025 (O&M)
Date of Decision: 28.7.2025**

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, 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. 789 dated 20.10.2023 under Sections 451 and 506 IPC and under Section 6 of the POCSO Act, 2012 (Section 451 IPC and Section 6 of the POCSO Act were deleted, whereas Section 450 IPC and Section 4 of POCSO Act were added later on), registered at Police Station Assandh District Karnal.

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

“It is humbly submitted that I Seeta Devi wife of Jai Narayan caste Gadaria is resident of Village Jaisinghpura Tehsil Assandh District Karnal. I am having two sons. Elder son is working as daily labour and younger son is school going. I along with my husband also are labourer on daily basis. Today on 20.10.2023, we all were away for our daily routine and my daughter xxx (name withheld) aged about 15 years (minor) were alone at home and at about 1pm above Deepak trespassed in our house. My daughter told him that there is nobody in the house, then he forcibly entered into our house and



committed wrong act with my daughter and extended threats to kill her, in case the same is disclosed by her to anybody and went away. When I reached home, then my daughter was scared and on being asked, she disclosed everything committed by Deepak and also told that while leaving, Deepak has extended threats to kill her. So it is requested to you that after conducting the investigation, strict legal action be taken against above Deepak and life of my minor daughter be protected. It will be very kind of you.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner a 23 years old, has been falsely implicated in this case on the statement of the mother of the prosecutrix. It has also been argued that the MLR of the victim does not reveal any external injury mark on her person. Therefore, the medical evidence does not corroborate the allegations levelled against the petitioner in the instant FIR. The FSL report in the present case is still awaited. He further submits that the petitioner is in custody since 25.10.2023.

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, 09 months and 03 days. He on instructions from the concerned investigating officer submits that challan has been presented and charges were framed on 20.3.2024. Out of total of 14 prosecution witnesses, 03 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. Admittedly, the charges were framed on 20.3.2024 and out of total 14 prosecution witness, only 03 have been examined till date. The petitioner has undergone actual custody of 01 year, 09 months and 03 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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 28, 2025
Gurpreet Singh

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