

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

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**CRM-M-4784-2025(O&M)
Decided on : 29.04.2025**

SAHIL ALIAS DHILLA

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vishal Garg Narwana, Advocate,
Mr. Khushwant Saharan, Advocate,
Ms. Chetna Rao, Advocate and
Mr. Rajat Sheokand, Advocate
for the petitioner(s).

Mr. Anmol Malik, 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.197 dated 19.10.2024 under Sections 333 and 64(1) of BNS and Section 6 of POCSO Act (Section 6 of POCSO Act and Section 64(1) of BNS were deleted and Sections 74, 75, 3(5) of BNS and Sections 8 and 17 of POCSO, Act were added later on), registered at Women Police Station, District Jind.

2. The present case was registered on the basis of the statement of the victim, Hxxxxxxx, who stated that she is a resident of Amarawali and is currently studying in Class 9, aged 16 years. She alleged that on 17.10.2024, one Mohit, a friend of her uncle and a resident of Jamni, committed a wrongful act upon her.

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case solely on account



of being the brother of the main accused. It is submitted that the petitioner is not named in the FIR. It is further submitted that even in the victim's statement recorded under Section 183 BNSS, no specific allegation has been levelled against the petitioner, who has since the time of his arrest, undergone an actual custody of 05 months and 20 days. There is one other case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 05 months and 20 days and there is one other case registered against him. He on instructions submits that challan was presented on 01.12.2024 and out of a total of 17 prosecution witnesses, only two have 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. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 10.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court and trial of the case has not made much progress as out of 17 prosecution witnesses, only 02 witnesses have been examined so far. The material witnesses have been examined. The petitioner has undergone a period of 05 months and 20 days and is involved in one other criminal case. 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. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. 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:-

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- (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.

9. 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.

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

(KIRTI SINGH)
JUDGE

29.04.2025

Kavita Nain

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