



CRM-M-8365-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8365-2024 (O&M)

Decided on: 03.02.2025

Dalip

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

Mr. Baljeet Beniwal, Advocate
for the complainant

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.299 dated 22.12.2023, under Sections 346, 376(2)(n) 419, 420, 406 and 506 IPC registered at Police Station Chhainsa, District Faridabad, Haryana.

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

“To the SHO, PS Chhainsa (Faridabad). Respected sir, it is humbly submitted that I Parshant Kumar son of Sh. Het Lal, am a resident of village Nariyala, PS Chhainsa, Faridabad and my age is 35 years. my wife Deepa aged 35 years, was at our house today i.e. 22.12.2023. at around 11:00 am, she went away from the house without telling anybody. That I was told by the neighbourers that Dalip Kumar son of Rajinder resident of village Nariyala, Faridabad, has forcibly



lured away my wife and he has taken her with him. That my wife has not returned home till now. I have an apprehension that Dalip Kumar has forcibly kept my wife with him and he is not allowing her to come home to me. I have two small children and my entire family me worried. A search may be conducted for my wife and strictest legal action may be taken against Dalip Kumar. Description: round face, fair colour, lean athletic physique, height 5'4" age 35 years, clothes salwar kamiz of mehroon colour, slippers in the feet Deepa mobile no. 9671500415, Dalip Kumar 9582828219. Parshant Kumar Mobile no. 9015269015 ”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He further submits that after registration of the FIR, the prosecutrix moved an application before the police authorities stating that the complaint was lodged under pressure of her husband. Learned counsel submits that the petitioner has undergone an actual custody of 01 year and 08 days and no other criminal case has been registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel on instructions submits that charges were framed on 06.06.2024 and out of total of 19 prosecution witnesses, five prosecution witnesses have been examined. He further submits that petitioner has undergone an actual custody of 01 year and 08 days and there is no other case pending against him.

5. 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 23.01.2024. The trial of the case has not made much progress as out of 19 prosecution witnesses, five prosecution witnesses have been examined so far. 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.***

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 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.



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

(KIRTI SINGH)
JUDGE

03.02.2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No