



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

228

**CRM-M-10346-2025(O&M)  
Decided on : 12.03.2025**

**SABIR**

. . . Petitioner(s)

Versus

**STATE OF HARYANA**

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

**PRESENT:** Mr. Manoj Tanwar, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

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**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.200 dated 06.09.2022 under Sections 363, 366-A, 376-D of IPC and Section 6 of POCSO Act, registered at Police Station Uttawar, Palwal, District Palwal.

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

*“To the SHO, police station Uttarwar, Subject: - Complaint to register report about missing of my daughter Sabrun daughter of Zuhru son of Sabir, R/o Chilli, Police station Uttawar, District Palwal. Respected Sir, I Zehrudeen @ Zuhru, R/o Chilla, police station Uttawar, District Palwal, I have opened one Khokha (Shop) of Chaap at Japti Mauritius, Hathin. Respected Sir, on dated 04.09.2022 at about 5:00 PM in the evening my minor daughter Sabrun who is 15-16 years of age got missing all of sudden. I along with my family searched her, but we did not find her, so I pray to you kindly trace my daughter Sabrun. ”*

3. Learned counsel for the petitioner submits that the petitioner has been implicated in this case on the false allegations of kidnapping and rape. He states that the petitioner and the victim had performed nikah on



14.09.2022 and has relied on the nikahnama annexed at P-3, wherein the age of the victim is mentioned as 19 years. He further refers to the MLR report of the victim, which also does not corroborate the allegations so levelled. He also points out that the prosecutrix did not attribute any allegations to the petitioner in her statement made before Child Welfare Committee as well as her first statement under Section 164 Cr.P.C. It was only in her second statement made under Section 164 Cr.P.C. after a gap of six months that she implicated the present petitioner and six other accused, who though have been exonerated. He further submits that the petitioner has undergone an actual custody of 11 months and 24 days and there is no 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 11 months and 24 days and there is no other case registered against him. He on instructions submits that charges were framed on 02.08.2024 and out of a total of 22 prosecution witnesses, only three 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. A perusal of the case in hand transpires that the petitioner is behind the bars since 18.03.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and



witnesses, only three have been examined so far. 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