



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

107+211(1)

CRM-M-8045-2025(O&M)

Decided on : 28.05.2025

BALKIT ALIAS MODI

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikrant Rana, Advocate
for the petitioner(s).

Ms. Mahima Yashpal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

CRM-22527-2025

This is an application for placing on record the evidence/cross-examination statement of victim 'K' as Annexure P-7 and evidence/cross-examination statement of victim 'R' as Annexure P-8.

2. Heard. For the reasons mentioned in the application, the same is allowed and Annexures P-7 to P-8 are taken on record subject to all just exceptions.

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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.44 dated 27.03.2024 under Sections 120-B, 365, 376, 506 of IPC and Section 4 of POCSO Act, registered at Police Station Bond Kalan, District Charkhi Dadri.

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



“Statement of Dharamveer, son of Khemchand, cast Khati, a resident of village Baas, I have four children. My eldest daughter xxx is 16 years old. younger son Yash is 9 years old. and younger son Tiger is five years old and the younger girl Akshu is one and a half years old. My neighbor Krishna Bihari is a Rajput by caste. His sister-in-law Rakhi, daughter of Prithvi Singh, is a resident of village Laut. She has been living at Krishn's house for about 6 years. My daughter xxx and xxx are both friends. My daughter Khushi has taken her 10th exam. Today, on 27th March 2024, my daughter Khushi, my neighbor Krishn's sister-in-law, Rakhi, daughter of Prithvi Singh, resident of Village Laut, whose age is also 16 years, at around 12 noon, both girls from my neighbor Krishn's house went somewhere without informing anyone. We searched in our village and nearby villages but they were not found. We could not find our girl. We don't have any doubt that any person. Search for our girls. My daughter was wearing a suit-salwar, suit-pajama of maroon colour. Her complexion is a fair, round face. Her height is 5 feet 1 inch. xxx was wearing a red colour suit-salwar. Her complexion is fair, face is tall, 4 feet 10 inches. Complaint Dharmbeer son of Khamchand, resident of Village Bass.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that there are various discrepancies in the statements of the victim. Reliance is placed upon the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure P-3), wherein she stated that she had gone to the Khatu Shyam Temple of her own volition along with her friend Khushi, after she became upset and left her home. It is also submitted that there is no medical evidence on record to substantiate the allegations levelled against the petitioner. He further submits that the petitioner has undergone an actual custody of 11 months and 13 days and there is one other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 11 months and 13 days and there is one other case registered against him. She



on instructions submits that charges were framed on 18.09.2024 and out of a total of 29 prosecution witnesses, 11 have been examined till date.

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 14.06.2024. The material witnesses have been examined. 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 29 prosecution witnesses cited, 11 stand 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 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.

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- (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

28.05.2025

Kavita

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