



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

216

CRM-M-8459-2025(O&M)
Decided on : 22.05.2025

ANKIT KUMAR

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ajit Lamba, Advocate and
Mr. Vivek Sheoran, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

This is second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.198 dated 02.07.2024 under Sections 137 and 96 of BNS_(wherein report under Section 193 of BNSS has been filed under Sections 70(2), 87, 137(2) of BNS and Sections 4(2) and 6 of POCSO Act 2012) registered at Police Station Sadar Tohana, District Fatehabad.

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

“To the Officer-in-Charge of Sadar Tohana Police Station, Sir. I respectfully submit that i Teejo Devi wife of late Ram Niwas am a resident of Gajuwala: I work as a labourer. My husband is deceased. I have three daughters and two sons. Among them, my daughter, xxxxx, who is 15 years and 7 months old, studies in the 10th grade at the Government High School in Gajuwala. On 02-07-24, my daughter xxxxx went to school in the morning, but she did not return home after school ended. We searched for her on our own and checked the footage from the panchayati surveillance camera near the school gate. In the footage showed we saw that a white Maruti Swift car with registration number HR 66B 9751 in which an unidentified male was seen luring my minor daughter xxxxx into the car. I request legal action against the unknown person and request that the search for my minor daughter xxxxx be initiated.”



3. Learned counsel for the petitioner submits, *inter alia*, that the petitioner has been falsely implicated in the present case. A perusal of the statement of the mother of the prosecutrix (Annexure P-8) reveals that allegations of kidnapping and rape were levelled only against the two other co-accused. The only role attributed to the petitioner in the present case is that he was the driver of the vehicle in which the prosecutrix was taken away from her school. Learned counsel submits that the petitioner is a taxi driver who was hired for a sum of Rs. 2,000/- and was just doing his job. The petitioner was arrested on 04.07.2024 and has been in custody for a period of 10 months and 18 days. He has clean antecedents and has no other criminal 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 10 months and 18 days and there is no other case registered against him. He on instructions submits that charges were framed on 29.10.2024 and out of a total of 28 prosecution witnesses, five has 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 has undergone a period of 10 months and 18 days and is not involved in any other criminal case. The material witnesses have been examined. 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. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her 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

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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

22.05.2025

Kavita

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