



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-8934-2025(O&M)
Decided on : 12.03.2025

SANDEEP

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Rajesh Bansal, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, 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.779 dated 03.11.2024 under Sections 296, 351(3), 75(2) and 79 of BNS, 2023 and Section 12 of POCSO Act, 2012, registered at Police Station Chandnibagh, District Panipat.

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

“To, SHO Police Station Chandhibagh Panipat, tis submitted that 1 Khush daughter of Naresh is resident of village Nimbri, On 31.10.2024, at about 9.20 PM, we both sisters Khushbu and Khushi were lighting sparklers in front of our house, my parents were lighting diyas at terrace of our home on Diwali. We two sisters were standing alone in front of our house and lighting sparklers. After some time, Sandeep son of Ramehar came and started giving call names to both of us sisters and makes objectionable gestures. And stated that I have already been in jail. I will go to jail again after teaching a lesson to you. One case is already going on with you. Right now he is out on bail. Many times he does obscene acts on seeing me alone and says either do compromise with me or I will get you removed by goons and after sometime Suman wife of Sandeep came and abuses me and called me in front of her house. She threatens to kill me. I go alone in front of her house and ask why are you abusing me and she tells me either do compromise or I will get you killed. After that my mother heard my voice and came and took me back at home. I am 16 years old. Legal action may be taken on my complaint.”



3. Learned counsel for the petitioner contends that false allegations of doing wrong gestures has been levelled against the petitioner. It is further submitted that the complainant had previously lodged two FIRs against the petitioner based on the similar set of allegations, in which he was granted regular bail, and that the present FIR is nothing but a counterblast to FIR No.33 dated 07.03.2020, which was registered by the petitioner's wife against the complainant party. He further submits that the petitioner has undergone an actual custody of 03 months and 22 days and there are two other cases registered against him, however he has been granted bail in all of them.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate and status report dated 05.03.2025 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 03 months and 22 days and there are two other cases registered against him, however he is on bail in both of them. He on instructions submits that charges were framed on 27.02.2025 and out of a total of 12 prosecution witnesses, none 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. A perusal of the case in hand transpires that the petitioner is behind the bars since 19.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and



witnesses, none has 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