



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

(213)

**CRM-M-10950-2025
Date of Decision: 07.7.2025**

Arun

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 0323 dated 6.6.2024 under Section 10 of the POCSO Act, 2012 and under Sections 354-A, 452 and 506 IPC (Sections 18 and 4 of POCSO Act, 2012 and Sections 376 and 511 IPC were added later on), registered at Police Station Old Industrial, Panipat.

2. The translated version of the FIR (Annexure P-1) is reproduced below:-

“Sir, I beg to say that I am a resident of Gali No. 5, Ward No. 21, Kashyap Colony, District Panipat. I have three children, my son Prashant aged 19 years and 2 daughters Payal aged 15 years and (name withheld) aged 14 years. On 1.6.2024, my nephew died and I and my husband had gone to Baghpat, U.P and both my minor daughters were alone at home. At around 3 O’ clock in the day, Arun resident of Sonipat, who lives in our neighbourhood in the house of his maternal uncle Karambir, jumped from his maternal uncle’s roof and forcefully entered in our house and with the intention of raping my daughter (name



withheld), he touched her private parts and shut her mouth and twisted her right hand. When my other daughter Payal tried to free her, he pushed her and made her fall. When my daughters shouted, Arun threatened that if told anyone about this, I will kill you. I will shoot your brother Prashant and your entire family. When I and my son Prashant returned from Baghpat at about 10 PM, both my daughters were crying. When I asked my daughters, they told me the entire incident mentioned above. Due to fear, I could not take any action till now. Legal action should be taken against this.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. There is an inordinate delay of 06 days in lodging the present FIR. The learned counsel has referred to the various statements of the prosecution witness, recorded before the learned trial Court concerned to submit that there are material discrepancies in the said statements. He further submits that the petitioner is in custody for more than 11 months and 27 days and there is no other case registered against him. To support his submissions, the learned counsel has placed reliance on a judgment passed by this Court in a case titled as ***Kuldeep alias Dholia versus The State of Haryana*** in ***CRM-M-51788 of 2023*** on 24.1.2024.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. 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 27 days. He on instructions from the concerned investigating officer submits that challan has been presented and charges have been framed. He also submits that out of total 14 prosecution witnesses, 08 have been examined till date. He 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. On a perusal of the case in hand, it transpires that the petitioner is behind the bar for more than 11 months and 27 days. Investigation is complete. 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 14 prosecution witnesses, only 08 witnesses have been examined so far. The material witnesses have been examined. 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.
- (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.

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.

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

(KIRTI SINGH)
JUDGE

July 07, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No