



CRM-M-10887-2025(O&M)

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

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**CRM-M-10887-2025(O&M)
Decided on: 20.05.2025**

Deepak @ Bohli

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Rajender Singh Malik, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.51 dated 09.04.2023, under Section 4 of POCSO Act (Sections 376(3) and 366 IPC added lateron), registered at Women Police Station, District Karnal.

2. The contents of the FIR as contained in the report under Section 173 Cr.P.C. are reproduced herein below:-

“TO SHO P.S. Women Police Station Karnal, it is requested that I (Natwar Lal s/o Sh. Madan Lal) r/o Gali No.4, Janakpuri Karnal stated that yesterday night Deepak s/o Bholi enticed away my daughter namely Deepika aged about 16 years in Gali No.5 Janakpuri Karnal where he committed wrong act with her. At 2.30 A.M. I reached at the house of Deepak while searching my daughter, where she was found confined in a room then I got her freed and brought her back home. Around 1.5 year ago, the boy had molested my daughter by entering in my house, in this regard case is still pending in the court. It is requested that medical examination of my daughter be conducted and legal



action be taken against the accused. Thanks. SD/- Natwar Lal-applicant.”

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He submits that victim in her statement recorded under Section 164 Cr.P.C. admitted that she went to meet the petitioner on her own will and that the FIR in question had been registered due to some misunderstanding of the family. It is further submitted that this is not the first FIR that was registered by the complainant and the prosecutrix, since previously also the petitioner was implicated by them in FIR No.461 dated 15.08.2020, under Sections 323, 452 IPC and Section 8 of POCSO Act, registered at Police Station City Karnal, wherein the prosecutrix and the complainant have turned hostile. The petitioner has undergone an actual custody of 01 year, 10 months and 27 days.

3. *Per contra* learned State counsel submits 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 actual custody of 01 year, 10 months and 27 days and there are ten other criminal cases pending against him, in seven of which he is on bail. He on instructions from the concerned investigating officer submits that charges were framed on 17.11.2023 and out of total of 11 prosecution witnesses, 5 have been examined. He, however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. The charges were framed



on 17.11.2023 and out of total of 11 prosecution witnesses, only 5 have been examined till date. The petitioner has undergone actual custody of 01 year, 10 months and 27 days. Further detention of the petitioner will not serve any useful purpose and will be violation of 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.**

6. As regards the submission of learned State counsel that petitioner is involved in ten more criminal case, it has been held by the Hon’ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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 she 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

20.05.2025
Kapil

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