



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

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**CRM-M-12580-2025(O&M)
Decided on : 22.05.2025**

VARINDER @ RAVINDER

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Parminder Singh, Advocate
for the petitioner.

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.76 dated 12.03.2024 under Sections 323, 342 IPC and Section 4 of POSCO Act, 2012, registered at Police Station Nigdu, District Karnal.

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

“To the SHO, Police Station Nigdhu, Respected Sir, it is respectfully submitted that I Sonia wife of Hardeep Singh resident of village Jalala Viran, District Karnal. I have three daughters and one son. My daughter xxxx who is 14 years old and is studying in Class 9th. On 12.03.2024, I had gone outside for labour work. When I came to the house in the evening then my daughter informed me that in day time she had gone to the house of her friend Tamanna alias Sagun daughter of Satpal who is our neighbourer. There was nobody in the house of Tamanna. That maternal uncle of Tamanna namely Ravinder resident of village Dhirpur District Kurukshetra, whose father name was come to know later on as Sharanjit, came to the house of Tamanna at about 2-3 PM, who locked Tamanna inside a room and locked the door from outside and she forcibly beaten my daughter and did wrong act (rape) with her. My daughter was frightened and Tamanna raised noises then that boy had run away.”



3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a young boy aged 20 years and has been falsely implicated in the present case on the statement of the mother of the prosecutrix. It is further submitted that, as per the medico legal report(Annexure P-3), there are no injuries found on the person of the prosecutrix. Even the statements of the prosecutrix recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. suffer from inconsistencies. Furthermore, there is no call history between the petitioner and the prosecutrix. Learned counsel submits that the petitioner was arrested on 19.03.2024 and has been in custody for a period of 01 year, 02 months and 03 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 01 year, 02 months and 03 days and there is no other case registered against him. He on instructions submits that charges were framed on 27.09.2024 and out of a total of 18 prosecution witnesses, one witness i.e. victim 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 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 01 year, 02 months and 03 days and is not involved in any other criminal case. Investigation is complete. The final report under Section 173 Cr.P.C.



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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 prosecution shall be at liberty to move an application for cancellation of bail



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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*