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

Sr. No.220

**CRM-M-13258-2025 (O&M)
Date of decision : 4.8.2025**

Ajaypal

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shokeen Singh Verma, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.7 dated 6.3.2024 under Sections 342, 376-D & 506 IPC (later on added Section 354-A IPC and Section 6 & 12 of POCSO Act, 2012) registered at Women Police Station Bahadurgarh, Jhajjar, District Jhajjar.

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

*“To the SHO Sahib Women Police Station Bahadurgarh.
Sir, Requested that I xxxx daughter of Kadir is resident of
Mustafabad Gokalpuri Delhi now residing as tenant Mundka
Delhi. On dated 05.03.2024 my sister Rajesh who is residing in
my neighbor in Mundka bring me to Kabir Basti Ward No.31
Bahadurgarh in a Hotel for giving me Job. At Brigadier
Hoshiyar Singh Metro Station Virender Bular Pehalwan by
getting her and her sister Rajesh sit in his Wagon Car bearing
No.HR-12AD-8094 took them in his Hotel and said that this girl
is right for job and I will keep her on job. Thereafter he served
me and my sister tea-water etc. Thereafter Amit also came there*

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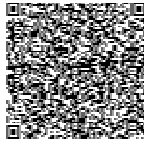


and then started drinking alcohol and locked my sister in room and done wrong act with me. Thereafter Sandeep Dalal also came there and he also done wrong act with me and said that do not tell anything to anyone otherwise we will kill you. We ran from there with great difficulty to save us. Strict action be taken against the accused persons and justice be got delivered to me. Sd- xxxx daughter of Kadir resident of Mustafabad Gokalpuri Delhi now address Mundka. Rajesh sister.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of wife of accused Virender @ Bhullar, alleging that the petitioner and co-accused Rajesh had demanded money from her at the time of recording of evidence before the trial Court. It is submitted that the charges against the petitioner have been framed under Sections 120-B, 195-A and 388 of IPC, as can be evinced from a copy of order dated 30.7.2025 passed by Addl. Session Judge, Jhajjar. It is submitted that there is no evidence on record to substantiate the allegations leveled against the petitioner. Infact, coaccused Virender Singh has already been granted the concession of regular bail by this Court vide order dated 29.01.2025 passed in CRM-M-47954-2024. He further submits that the petitioner has undergone an actual custody of 06 months and 12 days.

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 06 months and 12 days and there is one other complaint under Section 138 of

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the Negotiable Instruments Act pending against the petitioner. He on instructions from the concerned investigating officer submits that charges were framed on 30.7.2025 and out of a total of 27 prosecution witnesses, none has 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 since 20.1.2025. 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 27 prosecution witnesses, none has been examined so far. The co-accused has been granted regular bail by this Court vide order dated 29.01.2025 passed in CRM-M-47954-2024. 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

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bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner(s) will not tamper with the evidence during the trial.
- (II) The petitioner(s) will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner(s) will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner(s) 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(s) 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.

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

(KIRTI SINGH)
JUDGE

4.8.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No