



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(232)

CRM-M-13177-2025 (O&M)
Date of Decision: 08.12.2025

RUKSANA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.262 dated 28.06.2024 under Sections 323/376/370A/34 of IPC and Section 4 of Immoral Traffic Prevention Act, registered at Police Station DLF District Gurugram.

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

“Statement of xxxx d/o Lat. Bhure Lal, r/o Panipat, Haryana, age 12 years state that I am the resident of Panipat and my parents had died when I was at early age and I was residing with my five elder brothers in Panipat and I am the youngest among my brothers. About 1/2-2 years ago there was a wedding in our neighbourhood for which a girl named Mauni had come from Delhi to Panipat to work in the wedding. Mauni had stayed in Panipat for 2 days to work in the wedding. She lured me with a job and coaxed me with her words and befriended me and told me that your brothers do not take care of you and I will take you with me to Delhi and get you a job. I fell for Mauni's words and came to Seelampur, Delhi with Mauni without informing my brothers. After coming to Delhi I stayed with Mauni and her mother for about 2 months in Mauni's house. Mauni's



mother used to take me along with her to do the cleaning work in the houses. After some time Mauni got married and she left her house. After Mauni got married and left, her mother threw me out of the house saying that now you look after yourself and she herself vacated her house from here and left me alone. I started begging. While begging I met a woman near the mosque in Seelampur market. Seeing me alone she called me to her and said that her daughter-in-law earns well and she will get you a job and will also give you good food and clothes. On hearing this I said yes and in front of me that woman gave her daughter-in-law and son a gift and said, "I have found a girl, come here to pick her up. After about an hour a white car came and a man and a woman came out of it and made me sit in the car with them and took me to their place at IFFCO CHOWK, HARYANA where they kept me well for a day and the next day the same woman took me to a hotel near FFCO CHOWK FLYOVER in the evening in which we stayed in a room. After some time that woman brought a boy in the room and left leaving me alone with that boy in the room. After this that boy did bad things (sex) with me and went away. After about 10 minutes again a man came to me in that room and he also did bad things (SEX) with me and after doing it he went away. After this I came to know that woman's name as Ruksana and Ruksana got me involved in this business where every day Ruksana used to take me to the same hotel and used to give me new things. She used to bring men among the boys and make them do bad things (sex) with me and she herself took money from those men and now if I refused to do this bad thing (sex), then she herself would beat me after drinking alcohol and would also get me beaten by her husband Devesh and would stop me from eating and drinking. This continued for a long time. I tried to run away many times but every time Ruksana and Devesh would bring me back to and beat me up. On 24/06/24 also Devesh and Rukhsana beat me up and Devesh did wrong things (sex) with me. After which Devesh, Ruksana and a man took me from IIFFCO CHOWK in an auto and left me in a half dead state at Seelampur and fled. Seeing my condition, a woman helped me and took me with her to a bus from Seelampur BUS STAND but took me and handed me over to the police. The two people who took me from Seelampur to IFFCO CHOWK and made me do wrong things are Ruksana and Devesh. Whatever wrong has happened to me has happened in IFFCO CHOWK HARYANA. Devesh and Ruksana should be given the harshest punishment. You wrote my statement as per my instructions and after writing it you read it out to me which I heard and understood. It is okay. SD HINDI xxxxx D/O BHURE L.AL. R/O PANIPAT HARYANA AGE 12 YRS ATTESTED BY PSI PRACHI SINGH NO.D-3334 PS NAND NAGRI DT 26/06/24."

3. Learned counsel for the petitioner *inter alia* submits that the

petitioner has been falsely implicated in the instant FIR on the statement of



the prosecutrix, alleging therein that the petitioner and her husband had forced her into prostitution. It is submitted that the entire allegations levelled against the petitioner are vague and omnibus and lacks specific details. There is also no cogent evidence, including any medical report, that points towards the complicity of the petitioner. Even the age of the prosecutrix is a contested question of fact. Learned counsel contends that the FIR has in fact been registered against the petitioner pursuant to financial disputes between the parties. Furthermore, in the instant case only 5 witnesses have been examined. The prosecutrix is not coming forward to record her testimony, for which even bailable warrants have been issued against her. He further submits that the petitioner, a 28 years old has undergone an actual custody of 1 year, 4 months and 25 days. There is no other case has been registered against her.

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 1 year, 4 months and 25 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 04.12.2024 and out of a total of 19 prosecution witnesses, five have been examined. She submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 04.12.2024 and out of

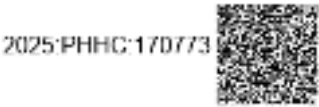
total 19 prosecution witnesses, only five have been examined till date. The



petitioner has undergone actual custody of 1 year, 4 months and 25 days, and there is no other criminal case registered against her. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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

December 08, 2025
Ithlesh

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