



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(106+204)

CRM-M-14444-2025 (O&M)

Date of Decision: 26.9.2025

Dilkesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)**CRM-39047-2025**

The application is allowed as prayed for. Annexure P-6 is taken on record.

CRM-M-14444-2025

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 237 dated 17.7.2024 under Sections 137 and 64(1) of BNSS, 2023 and Section 6 of the Protection of Children From Sexual Offences Act, 2012, registered at Police Station Bawal District Rewari.

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

“ Sir, I request that I Ajit Singh son of Hansraj Singh, is resident of Tankdi, police station Bawal, District Rewari. I do labour work. Today my daughter xxxxx of 16 years went to school as usual at 7.30 am today and my daughter studies in class 12th in a government school in Village Rajgarh. My brother Ashok got a call from the school at 9.30 in the morning that your daughter did not come to school. Then we searched here and there in the relations and were searching for the girl, then my daughter was coming from the road crying. I and my brother Ashok brought the girl home. Then we made the crying girl quiet and when we asked her, my daughter xxxxx told that she was waiting for Van at the bus stand to go to school in the morning. Then Dilkesh resident of Patwapur District



Rohtak came with a car and holding my hand made me sit in the car and said that I will take you for a ride and he forcibly made me sit in the car. I sat in the car because he was our relative. Then Dilkesh took me to a deserted forest and forcibly did wrong things with me and place I do not know. After that, despite my refusal, he forcibly did wrong things with me and said that nothing will happen, then I said that I want to go home, then he made me sit in the car and took me to another deserted place and there also he forcibly did wrong things with me, then on my repeated insistence that I want to go to my home, at around 2.15 PM, he left me at the place from where he had taken me, after that I came towards the village on foot. When my daughter told us this story we were all shocked. Dilkesh son of Roshan village Patwapur district Rohtak lured my daughter and took her away in a car and did wrong things with my daughter. Legal action should be taken against Dilkesh and my daughter should get justice.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a young boy aged 23 years, and has been falsely implicated in this case. In fact, the victim at her own accord had gone along with the petitioner. It is submitted that the age of the victim is in dispute and that the best evidence with regard to her age i.e. either the birth certificate or the matriculation certificate, has not been placed on record. It has also been submitted that the victim, and her parents have not supported the prosecution case, and were declared hostile witnesses. He further submits that the petitioner has been in custody since 18.7.2024.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 06 days, and that another case under Section 323, 34, 506 IPC is pending against the petitioner, in which he is on bail. The learned



State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 07.11.2024 and out of total 42 prosecution witnesses, 15 have been examined till date. She 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. As regards the submission of learned State counsel that petitioner is involved in 04 other criminal cases, 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. Admittedly, the charges were framed on 07.11.2024 and out of total 42 prosecution witness, only 15 have been examined till date. The material witnesses i.e. the victim, the complainant and the mother of the victim already stand examined, who have turned hostile. The petitioner has undergone actual custody of 01 year, 02 months and 06 days. The veracity of the allegations levelled 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.**

8. 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.

9. 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.



10. 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.

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

(KIRTI SINGH)
JUDGE

September 26, 2025
Gurpreet Singh

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