



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

227

**CRM-M-16935-2025(O&M)  
Decided on: 23.07.2025**

**SANJAY @ SANJU**

. . . Petitioner(s)

Versus

**STATE OF HARYANA**

. . . Respondent(s)

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH****PRESENT:** Mr. Vishal Malik, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

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**KIRTI SINGH, J. (Oral)**

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.195 dated 05.07.2023, under Section 506 of IPC, 1860; Sections 4 & 8 of the POCSO Act, 2012 and Section 376-DA added later on, registered at Police Station Ram Nagar, Karnal, District Karnal.

2. The contents of the aforesaid FIR are reproduced herein below:-

*“The brief facts of the case are that on dated 05.07.2023, LASI Meena Devi was present in Police Station, when Sunil Kumar S/o Sh. Kishan Brahm R/o H. No. 2925, Gandhi Nagar, Street No.10, Saidpura, Karnal submitted a complaint against Sanju S/o Palaram, Saidpura regarding committing obscene acts with the daughter of complainant aged 17 years and threatening to kill, the complaint is as follows: To, S.H.O. Ram Nagar, Karnal. Sir, it is submitted that I, Sunil Kumar, am permanent resident of Village Saidpura, District Karnal. Today, my daughter returned home at 3 PM after studying from Government School, Premnagar, When my daughter reached near Fish Farm Kachhwa Road near our house then a boy named Sanju son of Palaram, Saidpura forcibly caught hold of my daughter and took her into the bushes and committed obscene acts with her and threatened to kill her mother if she told anyone about the incident. A boy named Vijay saw Sanju doing this act and Sanju went away from there. Hence, I request you to take strict action against him. My daughter is 17 years old. Thank You.”*

3. Learned counsel for the petitioner submits that the petitioner, a young man aged 23 years, has been falsely implicated in the present case on



the statement of the father of the prosecutrix, alleging that the petitioner molested his daughter. It is submitted that the prosecutrix in her statement recorded under Section 164 Cr.P.C. levelled allegation of establishing forceful physical relations with her only against the main accused Vijay. Qua the present petitioner, the only allegation made by the prosecutrix was that he touched her inappropriately. The petitioner is a man of clean antecedents and has been in custody since 04.10.2023.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged 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, 09 months and 19 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 27.03.2024 and out of a total of 19 prosecution witnesses, three have 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 learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 04.10.2023. 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 charges were framed on 27.03.2024 and out of a total of 19 prosecution witnesses, three stand examined. 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. Accordingly, 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 she 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/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 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**

**23.07.2025**

*Kavita*

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