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

Sr. No.219

CRM-M-15083-2025 (O&M)
Date of decision : 30.07.2025

Mohd. Farman

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajesh Goyal, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.367 dated 18.09.2024 under Sections 6, 14 & 17 of POCSO Act, Sections 66-D & 67-B of IT Act and Sections 140(3), 351(3), 61(2), 65(1) & 64(2)M of BNS, registered at Police Station Tehsil Camp, Panipat.

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

“The circumstance of the case is such that on 18.09.2024, Complainant Mintu son of Chandu Ram resident Jasbir colony noorwala, Panipat came to Police Station Tehsil Camp and submitted an application which is in presented To SHO Saheb Tehsil Camp Panipat Shri Maan Ji, it is requested that I am a resident of Panipat, I have three daughters, my middle daughter xxxx 15 year old went somewhere from home without informing on 18.09.2024 at about 2.00 PM, we searched for her a lot but nothing was found about my daughter xxxx, my daughter should be searched, whose appearance is as follows, wheatish complexion, round face, healthy body, height

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5 feet, mark on forehead, mark of injury, wearing red color T-shirt and pyjamas, slippers in feet" On receipt of the above application in the police station, case no. 367. On 18.09.2024, Section 1403 BNS was registered at Police Station Tehsil Camp, Panipat."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was initially not named in the FIR registered on the missing complaint of the prosecutrix filed by her father. In her initial two statements made under Section 164 Cr.P.C., the prosecutrix did not level any allegations against the petitioner; rather, she stated that she was in danger from her family members, and had thus left and gone to the petitioner on her own free will. However, a completely contradictory third statement was made by the prosecutrix before the learned Magistrate on 18.11.2024, raising doubts about the credibility of her testimony. Furthermore, the prosecutrix had refused to get herself medically examined. Even her UPT test was found to be negative. Learned counsel submits that the petitioner, a young person of about 29 years of age, has undergone an actual custody of 03 months and 08 days as on 24.03.2025 and is not involved in any other criminal case.

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 on 24.03.2025 and as per custody certificate, the petitioner has undergone an actual custody of 03 months and 08 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that the

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charges were framed on 9.3.2025 and out of a total of 30 prosecution witnesses, 05 have 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 17.12.2024. 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 30 prosecution witnesses, only 05 witnesses have been examined so far. The material witnesses have been 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. 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:-

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- (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.

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

(KIRTI SINGH)
JUDGE

30.07.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No