



CRM-M-14994-2025(O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-14994-2025(O&M)
Decided on: 2503.2025

Aishdeep

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sandeep Berwal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

This petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.311 dated 12.06.2023, under Sections 363 and 366-A IPC (Section 376 of IPC and Section 6 of POCSO Act added later on), registered at Police Station Rania, District Sirsa.

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

“To the SHO, Police Station Rania. Sir, it is stated that I Atam Parkash son of Hakam Chand caste Kamboj am resident of Village Mohalla Sacha Sauda, Ward No. 10, Rania, Tehsil Rania, District Sirsa. That my daughter Surekha Rani (date of birth 13.07.2009, aged about 14 years) left the house without telling on 12.06.2023 at around 2:00 PM. When we got to know about it and we initiated her search, we came to know that Aishdeep (Mob. No. 95188-59377) son of Gaindi Singh caste Rai Sikh resident of Village Firozabad, Tehsil Rania, District Sirsa, has taken away with my minor daughter Surekha Rani after enticing her to a false pretext of marriage. That the height of my daughter Surekha Rani is 5 Feet 1 Inch, wheatish complexion, black eyes, medium built, round face, and was wearing black colored T-shirt, sky blue colored jeans and slippers in her feet



CRM-M-14994-2025(O&M)

2

and my daughter knows Hindi and Punjabi languages. It is requested that my daughter Surekha Rani may kindly be recovered upon taking action in accordance with law. I shall be grateful to you. Dated 12.06.2023. Sd/- Atam Parkash Applicant Atam Parkash son of Hakam Chand, resident of Village Mohalla Sacha Sauda, Ward No. 10, Rania, Tehsil Rania, District Sirsa. Mob. No. 97280-82483. XXXXXX XXXXXX XXXXXX”

3. Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in the present case. He submits that there exist inconsistencies and contradictions in the statements of the prosecutrix, made under Sections 161 and 164 of Cr.P.C. He further submits that as per the medical report of the prosecutrix, there is no injury on her person. He contends that the petitioner has undergone a long custody period of 01 year, 09 months and 03 days and yet all the prosecution witnesses remain to be examined. Even the DNA report is awaited in the present case. The petitioner has clean antecedents and is not involved in any other case..

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 and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 09 months and 03 days. He on instructions from investigating officer submits that charges were framed on 25.09.2023 and out of total of 24 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 20.06.2023. Investigation is complete. The



CRM-M-14994-2025(O&M)

3

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 25.09.2023 and out of a total of 24 prosecution witnesses, none has 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 violate 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



CRM-M-14994-2025(O&M)

4
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

25.03.2025
Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>