



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-15737-2025 (O&M)
Date of decision: 27.03.2025

GUFRAN AHMAD

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Pragyat Bhardwaj, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH. J.(Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.1413 dated 30.09.2023, under Section 4 of the POCSO Act, 2012, and Section 506 of IPC registered at Police Station Karnal Civil Lines, District Karnal.

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

“To SHO Sir Police Station Civil Line Karnal Sir, it is requested that I am Anita wife of Chanderprakash resident of H. No. 1541 Sector 6 Housing. Board Karnal. On dated 30.09.2023, my daughter Monika age 16 years went to school at Government School Sector 13 Karnal. When my daughter was coming home from school. On the way, Gufram son of Abdul resident of Sector 14 Karnal forcibly made her sit on the scooty and took her to Mughal CANAL CAFE. My daughter came home and told me that Gufram forcibly took off her clothes and did bad things to me in the cafe. He said that



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if I tell this to anyone, I will kill you and your family. When my daughter came back home, she was in a confused state and told me the whole incident. Strictest legal action should be taken against Gufram. SD/ Anita 8571974185. Today Police Station- At this time I am ASI Rajesh Kumar present at the police station that Anita wife of Chandraprakash resident of H. No. 1541 Sector 6 Housing Board Karnal has come to the police station filed a complaint against Gufram son of Abdul resident of Sector 14 Karnal for raping the complainant's daughter Monika age 16 years and threatening to kill her, case number 1413 dated 30.09.2023 under section 4 POSCO ACT and 506 IPC has been registered at Police Station Civil Line Karnal. The copy of police file alongwith the original complaint will be handed over to L/ASI Sudarshan for further investigation.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the complaint moved by the mother of the prosecutrix by levelling bald allegations therein. He further submits that there are material inconsistencies and also discrepancies in the statements of the prosecutrix and her deposition as PW1 regarding the occurrence of the said incident, which allegedly took place in a cafe and yet, has not been corroborated by any substantial evidence. The petitioner has undergone a long custody of 01 year, 05 months and 25 days and there is no other case registered against the petitioner.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 01 year, 05 months and 25 days and there is no other case registered against the petitioner. He on instructions submits that charges were framed on 07.03.2024 and out of a total of



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17 prosecution witnesses, only five have been examined till date. However, given the grave allegations against the petitioner, he does not deserve the concession of bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 01.10.2023. 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 17 prosecution witnesses, only five have been examined so far. Therefore, the trial in the present case will not conclude anytime soon. 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.**

6. 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

- 7. 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.
- 8. 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.
- 9. Pending application(s), if any, also stands disposed of accordingly.

27.03.2025
amandeep

(KIRTI SINGH)
JUDGE

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