



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

(218)

**CRM-M-16373-2025
Date of Decision: 28.7.2025**

Anil Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ankit Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 107 dated 10.4.2023 under Section 6 of the POCSO Act 2012 and Sections 363, 366, 506 IPC, registered at Police Station Sector-14, District Gurugram.

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

“I, Radha wife of Sh. 1620, Rajiv Tomar am resident of House No. Rajiv Nagar M.N. Gali No.6. Permanent Address am resident of U.P. Kannauj Taligram Police Station Village Musafirpur. I have three children. That my younger daughter xxx(name withheld) is 14 years old. Anil Yadav son of Sh. Kalu Yadav resident of Partapgarh U.P. for the last about 1 year was talking with my daughter. That Anil Yadav, on 22.2.23 after inducing my daughter of marriage took her with him to his home at U.P. Partapgarh. That we took back our daughter on 27.2.23 and said to Anil Yadav that not to talk with our daughter. But he continuously threatening her to viral her photograph. That my daughter is fed up from the threat of Anil Yadav, she told us that Anil Yadav in February had taken her in a hotel. He on 21.2.23 also took my daughter in the house of Sanjay



Kumar Gali No.1 Rajiv Nagar, there he after inducing my daughter that he on her and will marry her has committed rape also raped my daughter in the hotel and he has raped my daughter so many times. He is threatning her daughter to go with him else he will viral her photograph and also threatening to kill her. All these facts have been told to me by my daughter. Legal action may be taken against him.”

3. Learned counsel for the petitioner *inter alia* submits that the 23 years old petitioner has been falsely implicated in this case on the statement of the complainant-mother of the prosecutrix. The ingredients of the offence(s) alleged to have been committed by the petitioner, are not made out. It has further been submitted that the victim and the complainant have been examined before the trial Court, wherein they have not supported the prosecution case and were declared hostile witnesses. He has placed reliance on Annexures P-2 and P-3. He further submits that the petitioner is in custody since 25.4.2023 and there is no other case registered against him.

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 today and the same is taken on record. He submits that the petitioner has undergone an actual custody of 02 years and 03 months. He on instructions from the concerned investigating officer submits that challan has been presented and charges were framed on 19.9.2023. Out of a total of 22 prosecution witnesses, 07 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. Admittedly, the charges were framed on 19.9.2023 and out of



total 22 prosecution witness, only 07 have been examined till date. The petitioner has been in custody since 25.4.2023, and there is no other criminal case registered against him. The victim and the complainant have turned hostile during the course of the trial. The veracity of the allegations leveled 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.***

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:-

- (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.

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

(KIRTI SINGH)
JUDGE

July 28, 2025
Gurpreet Singh

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