



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

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CRM-M-17016-2025(O&M)

Decided on : 27.05.2025

RAHUL

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. B.S.Mamli, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

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.222 dated 23.03.2024 under Sections 342, 376(2)(n), 506 IPC and Section 6 of POCSO Act, registered at Police Station Assandh, District Karnal.

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

“The brief facts of the case are that Praveen son Balveer Singh resident village Salwan at police station Asandh gave an application that to SHO, P.S. Assandh, Karnal. Sub: application against Rahul son of Meru son of Bhagtu caste Jhimar, resident of Village Salwan, District Karnal, Assandh. Sir, it is requested that I Parveen son of Balbir resident of Village Salwan, Tehsil Assandh, Karnal belongs to Jhinvar caste today in morning 5:30 A.M. when I woke up and I went out of the house then I saw that my daughter xxxx who is 15 years old is coming out of Rahul's house. My daughter is minor. When I asked my daughter that what were you doing in Rahul's house then she told that Rahul has called me in his house and forcefully he has done wrong acts with me. He has even threatened me that if she told this to anyone, he will kill her and her family members. After that my daughter was in great stress. Sir it is requested that strict action be taken against Rahul.”



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR which was lodged at the instance of father of the prosecutrix. It is further submitted that the petitioner neither enticed away the prosecutrix nor compelled her to perform any act against her will. In her statement recorded under Section 164 Cr.P.C., the prosecutrix categorically stated that she went to the petitioner's residence on her own free will. Even as per the MLR, there is no injury mark on the person of the prosecutrix. The material witnesses also stand examined in the present case. He further submits that the petitioner has undergone an actual custody of 01 year, 02 months and 02 days and there are three other cases registered against him, however he is on bail in one of them and he is in custody in two cases.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 02 months and 02 days and there are three other cases registered against him, however he is on bail in one of them and he is in custody in two cases. He on instructions submits that charges were framed on 05.08.2021 and out of a total of 18 prosecution witnesses, only three have been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. 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



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26.03.2024. The material witnesses have been examined. 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 18 prosecution witnesses cited, only three stand 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 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. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon’ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

27.05.2025

Kavita

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