



CRM-M-17097-2025

1

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17097-2025

Decided on: 27.05.2025

Vikas alias Karan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Anmol Sharma, Advocate
for the petitioner.

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.195 dated 07.06.2024, registered under Sections 365 (deleted later on), 363 and 366 (added later on) at Police Station Tehsil Camp, District Panipat.

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

“Contents of the application are as under: To The SHO Sahab, Police Station Tehsil Camp, Panipat. Sir, It is requested that I, Satish Chander son of Mohan Lal, am resident of village Khetpura, Police Station Jaithra, District Eta, Uttar Pradesh, at present tenant with Ishwar Master, B.R. School Desraj Colony, Panipat. I have 5 children. My elder daughter Kiran, aged about 15 years went somewhere from the house on 7.6.2024 without disclosing anything and from home, she has taken Rs.50000/- and two pairs of Paijeb, one silver chain and one OM of gold. My daughter may be got searched.



CRM-M-17097-2025

2

Identification: Whitest colour, long face, thin body, height 5'-2", age 15 years, wearing cream coloured pant and T-shirt also of cream colour, having Chappals in feet. SD Satish Chander Mob. No.8570959334, Dated 07.06.2024. At Police Station On receipt of the application in the police station, from the contents of the application, finding commission of offence under Section 365 IPC, after registering FIR No.195 dated 07.06.2024, under Section 365 IPC in Police Station Tehsil Camp, Panipat, after preparing computerized copies of the FIR, remaining copies of FIR alongwith original application has been taken by me, ASI in my custody. Remaining copies of the FIR as special report are being sent through EMAIL to the Illaqa Magistrate Sahab as well as concerned officers. The present case has been registered in the CCTNS Code of SHO Sahab, in the presence of ASI Dharampal 162."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of father of the prosecutrix. It is submitted that no allegations were levelled against the petitioner by the prosecutrix, who refused to undergo a medical examination and in her statement recorded under Section 164 Cr.P.C., categorically stated that she is 20 years old and that she had left her home on her own will, and that she wants to reside with the petitioner. Learned counsel further asserts that the petitioner has undergone an actual custody of 08 months and 16 days and there is no other case pending against him. Reliance is also placed on the judgments passed in Criminal Appeal No.183 of 2014 titled as "***Tilku Alias Tilak Singh Vs. The State of Uttarakhand***" and in CRA-AS-242 of 2019 titled as "***Sukhwinder Singh Vs. State of Punjab and another***"

4. Per contra, learned State counsel on instructions submits that charges were framed on 04.12.2024 and out of a total 14 prosecution witnesses, 02



CRM-M-17097-2025

3

have been examined. He further submits that petitioner has undergone an actual custody of 08 months and 16 days and there is no other case pending against him. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is in custody since 10.09.2024 and has undergone an actual period of custody of 08 months and 16 days. There is no other case pending against him and out of a total of 14 prosecution witnesses, only 02 have been examined. 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



CRM-M-17097-2025

4

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.

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

(KIRTI SINGH)
JUDGE

27.05.2025

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