

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

(224)

**CRM-M-20694-2025
Date of Decision: 11.8.2025**

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

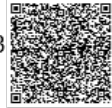
Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 685 dated 14.11.2024 under Sections 78 and 107 of BNS, 2023 and Section 12 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Samalkha, District Panipat.

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

“Sir, It is requested that I, xx resident of xx. I have two sons and one daughter. The age of my daughter is 17 years. My daughter named xx has studied upto 11th standard. She has also pursued a three months computer course from Samalkha. On dated 12.11.2024, my daughter had visited Samalkha to get the diploma certificate of his computer study. A boy named Rakesh son of Krishan resident of Namunda had chased my daughter and insisted her to do a wrongful act. On the same day, after reaching at home, my daughter had informed me about this fact. The above said Rakesh is causing harassment to her since 1 ½ years. He has forced her to hold talk with him. He used to visit our house



repeatedly at night. My daughter had refused to hold talk with him. But he remained adamant. Having been harassed from him, my daughter, on dated 12.11.2024 has consumed some poisonous substance. Then we brought our daughter to Park Hospital for treatment. Upon receipt of information, the police has visited hospital in the night. At that time, the police had recorded the video of my daughter whatever she had spoken. At that time, I had given in writing seeking time till morning. During treatment, my daughter has expired.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It has also been submitted that after the demise of the deceased victim on 14.11.2024, the instant FIR was lodged against the petitioner on the statement of the mother of the deceased. It is further submitted that the dying declaration of the deceased, which was recorded in the form video by the investigating agency, transcript of which has been annexed as Annexure P-4, clearly reveals that the petitioner had neither abetted her, nor did any action which compelled the deceased to end her life. In support of his submissions, the learned counsel has also placed reliance on the judgment of the Apex Court in case titled as **‘Kumar @ Shiva Kumar versus State of Karnataka’**, reported in **2024 SCC OnLine SC 216**. He further submits that the complainant already stands examined and the petitioner has been in custody since 14.11.2024.

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. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 24 days. He on instructions from the concerned investigating officer submits that charges in the present case were framed on 4.2.2025 and



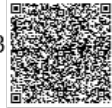
out of total of 22 prosecution witnesses, 03 have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 04.2.2025 and out of total 22 prosecution witness, 03 have been examined till date. The petitioner has undergone actual custody of 08 months and 24 days, and there is no other criminal case registered against him. 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

August 11, 2025
Gurpreet Singh

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