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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22182-2025(O&M)
Decided on: 01.05.2025

Anuj Rana

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Manjinder Singh Saini, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNS for grant of regular bail to the petitioner in case FIR No.99 dated 04.05.2024, under Sections 363 and 366A IPC (Sections 376, 346 IPC and Section 6 of POCSO Act added lateron), registered at Police Station Model Town, Hoshiarpur.

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

“Statement of Smt. Reena Dass wife of Sh. Rajpal resident of village Maruni Brahmna, Police Station Model Town, Hoshiarpur District Hoshiarpur aged about 45 years, mobile No. 83604-16013, I would like to state that I am resident of above noted address and I am house wife. I have five children, out of them, two daughters and three sons. The date of birth of my youngest daughter is 14.11.2006 who is studying in 12th Class of LSD Senior Secondary School Bassi Daulat Khan. On 02.05.2024 at around 4.00 PM, I was present in my house then my daughter went to purchase some material from the Karyana shop of our village and when she did not came back for long time then our family started searching her and today we came to know that Anuj Rana son of Kumar Pal resident of village Kakrana, post office Dhaulana, District Rapar UP at present residing at village Maruli Brahmna, Police Station Model Town Hoshiarpur and was living in the Haweli of Sh. Gopal Sharma son of Sh. Tarlok Nath resident of Maruli Brahmna adjoining to



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our house and presently he was driving the vehicle of BJP party in the campaign of elections, has taken away my daughter under the pretext to perform marriage with her and my daughter, while going from the house, taken away one gold chain and Rs. 15000/- cash from the house. Therefore strict legal action be taken against above said Anuj Rana son of Kumar Pal resident of village Kakrana, post office Dhaulana, District Rapar UP at present residing at village Maruli Brahmna, Police Station Model Town Hoshiarpur. today I along with my son Rajadass son of Rajpal resident of village Maruli Brahmna Police Station Model Town District Hoshiarpur have got recorded my statement to you, heard, same is correct. Sd/-Reena Dass supported by Raja Dass, attested by Sd/-Balwinder Kaur ASI, Police Station Model Twon, Hoshiarpur dated 04.05.2024.”

4. Learned counsel appearing for the petitioner *inter alia* submits that petitioner has been falsely implicated in the present FIR, which was lodged after a delay of 2 days, on the statement of mother of the prosecutrix. He submits that the statement of the prosecutrix under Section 164 Cr.P.C. was recorded after an unexplained delay of 11 days. Further, there are major inconsistencies, and even contradictions in the statements made by the prosecutrix and the complainant. Learned counsel submits that the petitioner has clean antecedents and has undergone an actual custody of 11 months and 12 days.

5. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate and reply in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone actual custody of 11 months and 12 days. He on instructions from investigating officer submits that charges were framed on 30.07.2024 and out of total of 19 prosecution witnesses; only 8 have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the

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parties.

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 18.05.2024 and has no other case registered against him. Investigation is complete. 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 charges were framed on 30.07.2024 and out of total of 19 prosecution witnesses, only 8 have been examined. There are major contradictions in the statement of the victim. The material witnesses have been examined. 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.***

8. Accordingly, 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 she 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



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facts of the case so as to dissuade him/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.
11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

01.05.2025
Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>