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

Sr. No.227

**CRM-M-21313-2025(O&M)
Date of decision : 21.05.2025**

Ankur

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gurinder Singh Hayer, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.659 dated 13.11.2024 under Sections 115 (2), 137, 3(5) of BNS and Section 8 of POCSO Act, registered at Police Station Mujessar, District Faridabad.

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

*“To the In charge of Police post at Sanjay colony, Gouchhi, Faridabad. Subject:- Application regarding taking legal action against Ankur son of Hakim, Anmol Kumar son of Sandeep Kumar, Ankit Kumar Son of Hakim for enticing and kidnapping my daughter ****. That on 11/11/24 at 02.00 p.m. my daughter went off the school bus after her school hours i.e. St. Jones, Sector 7 and she was coming to house number 01/15 MCF 4082 when she reached at Satguru Hardware Store near Howdy Hotel wali Gali, all the three accused came after me and enticed my daughter and made her set in auto rickshaw and said that Free Free event which is Game event and which is to be held at Delhi and their after all the three accused talked with*

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*each other and said that this girl should be taken to Punjab and my daughter **** aged about 13 years and she heard the conversation of all the 3 accused and she was going to inform the Grps Police on which all the three boys stated that today they are not going to Delhi and after saying that they fled away from the spot and my daughter came back home she narrated the incident to me she stated that those persons were taking me to event in Delhi but I got suspicious so I denied today. On 12.11.2024 @2:30 p.m. when the school bus came my neighbors identified those boys and my neighbors informed me, there after my neighbors nabbed them and all the accused gave beating to me also, all of them again came to enticed my daughter and tried to take her away. The girl came to home yesterday. They caught hold of hand of my daughter's hand, touched her at the back of her waist but no act was committed. Sir, I request you to take strict action against accused persons for enticing and kidnapping my daughter to take her away. I shall be thankful to you. Sd. Rajiv”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner who is a young boy of 20 years has been falsely implicated in the present case on the allegation that the petitioner and his co-accused had tried to entice away the minor daughter of the complainant. He submits that the prosecutrix used to interact with the petitioner on an online gaming platform. A bare perusal of the FIR reveals that the victim was never taken out of the custody of her family. It is further submitted that the victim has already been examined before the learned trial Court. The petitioner has undergone an actual custody of 06 months and 07 days and is not involved in any other criminal case.

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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 06 months and 07 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 06.05.2025 and out of a total of 14 prosecution witnesses, 01 witness has 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. On a perusal of the case in hand, it transpires that the petitioner has undergone an actual custody of 06 months and 07 days and is not involved in any other criminal case. 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 out of 14 prosecution witnesses, only 01 witness has been examined so far. The victim has been examined before the learned trial Court. 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,

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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.

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

(KIRTI SINGH)
JUDGE

21.05.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No