



CRM-M-22975-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-22975-2025
Date of Decision : 17.11.2025

ASHIK PETITIONER

V/S

STATE OF HARYANA AND ANOTHER RESPONDENTS

CORAM:HON'BLE MR. JUSTICE KIRTI SINGH

Present: Mr.Sudhir Rana, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. C.S.Bakshi, Advocate
for respondent No.2 (though VC).

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 494 dated 17.08.2024, under Sections 123, 64, 137, 96, 351(2) of BNS, 2023 and Section 4 of POSCO Act, 2012, registered at Police Station Indri, District Karnal (initially FIR was registered under Section 137 and 96 of BNS, 2023).

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

“It is requested that I am Luvekush son of Shri Kehar Singh, resident of village Samspur. Today on 17.8.2024 in the evening around 4 o'clock, my wife informed me over a telephonic call that my daughter's name is, xxx is not at home from long time. Thereafter, we started searching for her, and we came to know that xxx has gone towards Karnal. After sitting in a bus, we also came to know that one boy, namely Aashik,



resident of village, Gudpur Tapu, he belongs to Muslim religion, about one year ago, also, when xxx was studying in 10th class at Gadi Birbal government over her, by school, he possessed alluring her, when we came to know about this fact, we called the father of that some other persons of village boy and Gudpur Tapu were also present there, his father, respectable the and person assured that the boy will not tease the girl in future, but today on 17.8.2024, he tried to take xxx with him, by allowing her, but he could not get success and he ran away by leaving the girl near the bus stand. Hence, it is requested to you that the age of our daughter, xxx 14 years, she is a minor, I have kept her at home only because of this boy, strict legal action be taken against this boy and also my family is not happy with this boy. Therefore, it is requested that legal action be taken against this boy."

3. Learned counsel for the petitioner *inter alia* submits that it is a case of false implication. The above stated FIR has been registered after a delay of one year from the alleged date of occurrence. Further, the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not supported the case of prosecution. There is no medical evidence to substantiate the allegations leveled against the petitioner, a 24 year old who has been in custody for 01 year, 02 months and 22 days. There is no other case registered against him.

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 01 year, 02 months and 22 days. The learned State counsel, on instructions from



the investigating officer concerned, submits that in the present case, charges were framed on 24.02.2025 and out of total 20 prosecution witnesses, 12 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 submissions made.

6. Admittedly, the charges were framed on 24.02.2025 and out of total 20 prosecution witnesses, 12, including the material witnesses, stand examined till date. The petitioner has undergone actual custody of 01 year, 02 months and 22 days. There is no other criminal case registered against him. The veracity of the allegations levelled 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

17.11.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No