



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

213

**CRM-M-24082-2025(O&M)
Decided on : 16.05.2025**

NAZIA

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ashdeep Singh, Advocate and
Mr. Krishan Mehta, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, 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.0279 dated 06.08.2024 under Sections 127(6), 238 of BNS and Sections 6, 17 of POCSO Act 2012 registered at Police Station Faridabad Central, District Faridabad.

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

“To, In-charge of Police post, SEC-15, Faridabad, Sir, it is requested that myself xxxx S/O Bicchhu, resident of xxxx, Police Station Madhavganj, District Hardoi (UP), currently a tenant of Vinod Chandela, village Budhena, Faridabad, and working in Escort Company, SEC 13, Faridabad. I have one son and 3 daughters. My eldest daughter, xxxx, used to work in SECTOR-15, FARIDABAD. My daughter, xxxx (18 years, went somewhere without informing anyone on 5/8/2024 at around 1.30 PM, and she has not been found even after a lot of searching. We have been searching for her on our own till now. Please search for my daughter, xxxx. Appearance of my daughter is fair complexion, round face, thin body, mark of injury on forehead, height 5 feet, age 18 (years) wearing green colour suit salwar and white colour shoes.”



3. Learned counsel for the petitioner, *inter alia*, submits that solely on the ground that the petitioner is the wife of the main accused who allegedly committed sexual assault on the victim, has she been falsely implicated in the present case. There is no evidence on record that could indicate towards the complicity of the petitioner. In fact, in the statement of the victim recorded under Section 183 of the BNSS, she categorically stated that the main accused established physical relations with her without the knowledge of the petitioner. It is submitted that the petitioner was arrested on 07.11.2024 and has been in custody for a period of 06 months and 09 days, along with her minor child. She has clean antecedents and has no other criminal case registered against her.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 09 days and there is no other case registered against her. He on instructions submits that charges were framed on 15.05.2025 and out of a total of 26 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

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

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has undergone a period of 06 months and 09 days and is not involved in any other criminal case. Investigation is complete. The final report under Section 173 Cr.P.C. has



been presented before the concerned Court and trial of the case has not made much progress. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her 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. Deprivation of personal liberty without ensuring speedy trial is inconsistent with the rights guaranteed under Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. The Apex Court in “**Abdul Rehman Antulay and others v. R.S. Nayak and another**”, 1992(2) **RCR (Criminal) 634** observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

8. 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 her 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.

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- (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 facts of the case so as to dissuade 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.

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

(KIRTI SINGH)
JUDGE

16.05.2025

Kavita

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