

2025:PHHC:089399



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

Sr. No.222

**CRM-M-24427-2025 (O&M)
Date of decision : 21.07.2025**

Sanjeet

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.K. Hooda, Advocate, for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Paramvir Singh, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.0336 dated 06.10.2023 under Sections 376(2)(n) & 506 IPC and Sections 17 & 6 of POCSO Act, registered at Police Station Murthal District Sonipat.

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

*"To, Hon'ble Police Commissioner, District Sonipat.
Subject: Complaint regarding taking legal action against 1. Sona Devi wife of Ramesh Kumar, 2. Jyoti daughter of Ramesh Kumar wife Vikash, Mobile No.8053097604, residents of District Sonipat and 3. Sanjeet son of Balkishan, resident of village Khidwali, District Rohtak, 4. Ramraj, 5. Manjeet, residents of Khidwali, District Rohtak, Mob. No. Sanjeet-8684907705. Sir, I, the complainant requests you as follows . That I the complainant xxxx wife of Rajpal, resident of Mehandipur, District Sonipat and I am a peace loving and law abiding citizen. Xxxxx is my biological daughter who is about*

2025:PHHC:089399



fifteen and a half years old, who is a minor. My above said daughter is a student of 10th class. That the above said accused No.1 is my real sister-in-law (Jethani) meaning thereby she is Aunt (Tai) of xxx and accused No.2 is Jyoti is the daughter of xxxxx uncle (Tau) and accused No.3 Sanjeet is the relative of Sona Devi i.e. Aunt (Tai) of xxx and accused No.4 and 5 are from the family of Sanjeet. That under the thoughtful and well planned conspiracy by above said Sona Devi and Jyoti, they seduced my daughter xxx and offered her all kinds of temptations and by giving the threats to kill Rajpal the father of Xxxx and brother Sahil, xxx was being raped i.e. sexually exploited by Sanjeet from the last 4-5 months and the above-said Sona Devi and Jyoti used to take xxxxx to Rohtak and sometimes both of them used to send xxxxx along with Sanjeet on his motorcycle and in Rohtak they used to get do bad things like rape with xxxx and the above said Jyoti used to make videos. And when my daughter screamed and tried to defend herself, then the above said accused Sanjeet used to threatened her to kill her brother Sahil and father Rajpal while putting pistol on her Head, and the accused used to say that do whatever we are saying you, if you tell anyone or to the police then we will kill you and your family members. And you cannot do any harm to us. As we came to know about the above said occurrence yesterday, when it was birthday of xxxx and the above said came Sanjeet to sent the many pornographic films and videos on the phone of the Sahil-brother of Xxxx, in which bad things have been done with Xxxx, we came to know about it at that time only. And even before this the health of xxx was not remains well, so we did not pay much attention to it but yesterday when the videos were received and Sanjeet and all of the above accused threatened that we have done what we had to do and now if you will tell anyone about this, then we will kill you. Now we are continuously receiving threats to our life and

2025:PHHC:089399



property from the accused persons and the accused Sona Devi, Jyoti, Sanjeev, Manjeet and Ramraj and their family members are now continuously threatening to kill us and they use to say about their high connections in the police and we are in danger from them. Therefore, you are requested to take appropriate action in this regard and a should be registered against all of the above said accused persons by getting my daughter medically examined, and strict legal action should be taken, and our life and property should be protected. Sir, I will be very thankful. Sd/- xxx complainant”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the mother of the prosecutrix. Infact, it is the case where the parties were known to each other. Further, there are various contradictions in the complaint; and the statements made by the prosecutrix before the investigating agency and the learned trial Court under Sections 161 & 164 Cr.P.C. respectively. Moreover, as per the MLR of the prosecutrix, there are no injuries present on her person. He further submits that the petitioner has undergone an actual custody of 01 year, 02 months and 17 days and is not involved in other criminal case.

4. *Per contra*, learned counsel for the complainant has vehemently opposed the submissions made by the learned counsel for the petitioner. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Learned State counsel also submits 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

2025.PHHC:089399



certificate, the petitioner has undergone an actual custody of 01 year, 02 months and 17 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 23.07.2024 and out of a total of 22 prosecution witnesses, 01 has been examined till date.

6. Heard the submissions made by learned counsel for the parties.
7. On a perusal of the case in hand, it transpires that the petitioner has undergone an actual custody of 01 year, 02 months and 17 days and there is no other criminal 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 out of 22 prosecution witnesses, only 01 has been examined so far. 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. 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:-

2025.PHHC:089399



- (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.

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

(KIRTI SINGH)
JUDGE

21.07.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No