

2025.PHHC:099458



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

Sr. No.224

CRM-M-29391-2025 (O&M)
Date of decision : 4.8.2025

Ankit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanchit Punia, Advocate, for the petitioner.
Mr. Brijesh Sharma, AAG, Haryana.

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.155 dated 16.7.2024 under
Sections 137, 140(3), 65(1) & 96 of BNS, 2023 and Section 4(2) of POCSO
Act, 2012 registered at Police Station Bass, Hansi.

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

*“To, The Station House Officer, Police Station Bass,
Hisar, Subject: Regarding the allurement and abduction of two
girls. Sir, It is respectfully submitted that I, applicant Rajesh
Kumar son of Shri Sultan Caste Dhanak am a permanent r/o
Village Baklana, Tehsil Bass, District Hisar. That on
15/07/2024, at around 3:00 PM in the afternoon, my two
daughters, xxxx aged 15 years, dark complexion, round face, 5
feet tall, wearing a yellow suit Salwar and slippers, and xxxx
aged 20 years, 5'2" inches tall, fair complexion, wearing a
green suit, round face, and shoes, were lured away by some
unknown person. I suspect Deepak son of Parvinder alias
Pammi, resident of Village Sunaria, District Rohtak, and two-
three other friends of his, namely Ankit resident of Village*

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Baniyani Ashish Baniyani, and Arun Deepak has two sisters who are married in my village, Baklana, and Deepak used to visit my village. Sonu son of Shri Mangeram MB:8053734550 who is Deepak's brother-in-law, was aware of this incident, and he saw the girls being taken away by Deepak, and he himself has confessed to this. Yesterday night, around 11:12 PM, we had Deepak apprehended at Civil Police Station Ambedkar Chowk, Rohtak. Deepak made us speak to our girls. When we went there, the girls were not found at that location. The police there have arrested Deepak. During interrogation, Deepak confessed that the girls are with one of his friends, and Rohtak police have arrested Deepak. You are therefore requested to take appropriate action in this matter. Thank you, applicant Sd/- Rajesh”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the father of the prosecutrix. It is submitted that there is no evidence on record to indicate towards the complicity of the accused. Infact, as per the FSL report dated 22.08.2024, no semen was detected on any of the exhibits. Further, there are material contradictions in the counseling report of the prosecutrix and her statement recorded under Section 164 Cr.P.C. learned counsel submits that as per the orders of this Court dated 1.7.2025, the prosecutrix was examined before the learned trial Court, where she was declared as a hostile witness. The petitioner, a young man of 18 years with clean antecedents, has already undergone an actual custody of 01 year and 09 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the

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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 and 09 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 16.05.2025 and out of a total of 27 prosecution witnesses, none 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 is behind the bar since 23.07.2024. 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 27 prosecution witnesses, none has been examined so far. The prosecutrix has turned hostile during the course of trial. 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.***

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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(s) will not tamper with the evidence during the trial.
- (II) The petitioner(s) will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner(s) will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner(s) 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(s) 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

4.8.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No