



CRM-M-29158-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-29158-2025(O&M)
Decided on: 26.08.2025

Deepak Kumar @ Kaku

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Jagjit Singh Gill, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. This is the second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.201 dated 02.07.2024, under Sections 354-A, 363, 366A, 216 and 506 IPC (Section 10 of POCSO Act added later on), registered at Police Station Kalanwali, District Sirsa now Police District Dabwali.
2. The first petition was dismissed as withdrawn vide order dated 25.01.2025 passed by this Court.
3. The contents of the aforesaid FIR are reproduced herein below:-

“To the Chowki In-charge, City Mandi Kalanwali, Sirsa, it is submitted that I xxxx s/o xxxx caste Mahajan, am the permanent resident of Ward no.6, Mandi Kalanwali. I am running Jigsaw mill (Lakdi ka Aara) at Mandi Kalanwali. I am married. I have two children, one boy Shubham aged 21 years and one daughter xxxx aged 17 years. My daughter xxxx is the student of B.A B.Ed Ist year of Shaheed Bhagat Singh College, Odhan Road, Kalanwali. On 29.06.2024 at 4.30 PM, she had gone to stitch her suit in neighboring house. She did not return even after a wait of two hours and we searched our daughter xxxx in the nearby areas and In Mandi



Kalanwali. That she came back after three hours. When we asked the reasons for coming late in the house, she was nervous. We asked her the reason of coming late in the house but she did not disclose any thing. That we did not put much pressure being a minor. That today on 02.07.2024, when we was going to stitch her suit then in the way, Deepak alias Kaku s/o Tarsem r/o Durge Mandi Wali Gali came in white color Swift car and Deepak made a conversation with her and he made me sit in the car on the pretext of marriage and with whom three other boys were also seated whose names are asked her the reason are Varun s/o Suresh Kumar, Paras s/o Vicky, Sahil s/o Chhinnda r/o Mandi Kalanwali and after covering some distance, all of them molested her and touched her in a wrong way against her will. When she tried to object this then all said don't try to be smart and threatened that you and your family will be killed. Then they took the car towards Gurudwara via railway station that who on seeing the police vehicle coming from the opposite side, under the fear ran away with the car after dropping me. Thereafter, she came to her house. That strict action may be taken against Deepak alias Kaku s/o Tarsem Kumar, Varun s/o Suresh Kumar, Paras s/o Vikcy, Sahil s/o Chhinda r/o Mandi Kalanwall and she may given justice, so that this may not be happen again with any body's sister daughter. Your are obliged. Sd/”

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the father of the prosecutrix. The FIR was lodged after a delay of 3 days. There is no medical evidence to substantiate the allegations levelled against the petitioner. Learned counsel further submits that prosecutrix had refused to get her medical examination. Reliance has also been placed upon Annexure R-1, statement of the prosecutrix recorded under Section 183 BNSS, wherein she has not named the petitioner or the co-accused in her statement. It has also been stated that petitioner has filed a petition bearing CRM-M-43315-2025 for quashing of FIR on the basis of compromise, in which



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notice has been issued. The petitioner is in custody since 18.07.2024 and his custody period is 01 year, 01 month and 06 days. The petitioner has clean antecedents and no other case is registered against the petitioner.

5. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 01 month and 06 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 19.05.2025 and out of a total of 31 prosecution witnesses none has been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 18.07.2024. 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 charges were framed on 19.05.2025 and out of a total of 31 prosecution witnesses none has been examined till date. 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. Accordingly, 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 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 him/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.

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

(KIRTI SINGH)
JUDGE

26.08.2025
Kapil

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