



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

103+214

**CRM-M-34290-2024(O&M)
Decided on : 17.03.2025**

RAHUL

. . . Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Maninder Singh Saini, Advocate and
Mr. A.S. Kalra, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. read with 482 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.262 dated 27.06.2023 under Sections 376(2)(n), 328, 354-C, 366, 120-B, 509, 506 of IPC and Sections 6, 12 of POCSO Act, 2012 and Section 67-A of Information and Technology (Amendment) Act 2008, registered at Police Station Matlauda, District Panipat.

2. The present FIR was registered on the complaint of the mother of the victim, who alleged that the prosecutrix was allured into sending her private photographs to the petitioner, which were alleged then used by the co-accused to blackmail and rape her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the only allegation levelled against the petitioner are of making the prosecutrix send some objectionable photos to him. He contends that the allegations of rape have only been made



against co-accused Pankaj, and even the allegations of blackmail were levelled against other co-accused and not the petitioner. He also submits that co-accused-Kuldeep @ Raman has been granted bail by Co-ordinate Bench of this Court vide order dated 17.07.2024 in CRM-M-13495-2024. He further submits that the petitioner has undergone an actual custody of 01 year, 05 months and 26 days and 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 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, 05 months and 26 days and there is no other case registered against him. He on instructions submits that charges were framed on 28.09.2023 and out of a total of 29 prosecution witnesses, only three have been examined till date. He, however, 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. A perusal of the case in hand transpires that the petitioner is behind the bars since 18.09.2023. The material witnesses have been examined. Co-accused-Kuldeep @ Raman has been granted bail by Co-ordinate Bench of this Court vide order dated 17.07.2024 in CRM-M-13495-2024. 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 29 prosecution witnesses, only three have been



examined so far. Therefore, the trial in the present case will not conclude anytime soon. 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 violate 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 her 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 application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

17.03.2025
Kavita

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