



CRM-M-31031-2025

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

(218)

CRM-M-31031-2025(O&M)

Date of Decision: 04.09.2025

AJAY KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

Ms. Mehak Bedi, Advocate for
Mr. Angad Parmar, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.105 dated 08.04.2024 under Sections 363, 366 and 376(3) of IPC and Section 4 of POCSO Act, 2012, registered at Police Station Nighdu, District Karnal.

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

“To SHO, Police Station Nighdu, Karnal. Sir, it is respectfully submitted that I xxxx wife of Sh Hardeep Singh, Caste Bhedkoot, resident of Jalala Viran, Tehsil Nissing, District Karnal. I have three daughters and one son. My elder daughter xxxxx aged 15 years, 8th Class passed. I am doing the work as Labourer. Occasionally my daughter is helped with me in the work. Many times I was worked with Sarita Sardar and one boy namely Ajay had worked in his house. Today on 7.4.2024 I had gone to work in a hut in Balu Village. My daughter was at



home. Ajay came to our house on a motorcycle and said that your mother is calling you. My daughter went with him on the motorcycle. He took my daughter to Ladwa and did bad things with her. He did bad things forcefully even when my daughter refused. My daughter told me all these things. Legal action should be taken against Ajay. Sd/ xxxx wife of Sh Hardeep Singh, Caste Bhedkoot, resident of Jalala Viran, Tehsil Nissing, District Karnal.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of mother of the prosecutrix, wherein it is alleged that the accused came to her house and took away the prosecutrix along with him to Ladwa on the pretext of call given by her mother and did wrong acts with her. It is submitted that there are material contradictions in the statement recorded by the complainant under Section 161 Cr.P.C. and the statement of the prosecutrix recorded under Section 164 Cr.P.C. In fact, the petitioner and the prosecutrix were in friendly relationship with each other, and the said fact is substantiated from their call detail records. Further, there is no medical evidence to substantiate the allegations levelled in the FIR and there is no other case against him. Even the material witnesses have been examined. He further submits that the petitioner has undergone an actual custody of 1 year, 4 months and 24 days.

4. *Per contra*, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner. They state that the petitioner was actively involved in the commission of the offence. Learned State counsel 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 1 year, 4 months and 24 days. Investigation is complete. The final report under



Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 08.11.2024 and out of a total of 15 prosecution witnesses, only two have been examined. She 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. Admittedly, the charges were framed on 08.11.2024 and out of total 15 prosecution witness, 2 have been examined till date including the material witnesses. The petitioner has undergone actual custody of 1 year, 4 months and 24 days, and there is no other criminal case registered against him. 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.**

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 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.
10.

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

(KIRTI SINGH)

JUDGE

September 04, 2025

Ithlesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No