



CRM-M- 31762-2025

-1-

236

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 31762-2025

Date of Decision: 09.12.2025

RAHUL ALIAS CHINKI

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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. 196 dated 17.08.2024 registered under Section 140 (3) of BNS, 2023 and later on added Sections 64(2) (m), 75(2), 61 of BNS, 2023 and Section 6 of the POCSO Act, 2012 - at Police Station Line Par Bahadurgarh, District Jhajjar, Haryana.

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

“To the SHO Sahab Police-station Line Par, Bahadurgarh Sir, it is requested that I am xxx s/o Sultan Singh R/o street no.1 Shastri Nagar Line Par Bahadurgarh. I am married. I have one daughter xxx whose age is about 14 years. On dated 16.08.2024 time about 3:30pm my daughter left the house without informing, that I have searched my daughter on my own level who has not been found with any of my relatives, search make kindly be made of my daughter. Description of my daughter is as such that



CRM-M- 31762-2025

-2-

fair complexion, long face, slim active body, height 5'2", yellow colour suit salwar, worn-out Hawai chappal in feet. Sd/ ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR, which was lodged on the statement of father of the prosecutrix, to report his daughter as missing. It is submitted that the daughter of the complainant and the petitioner were in fact well known to each other. Learned counsel contends that there is no medical evidence on record to substantiate the allegations levelled against the petitioner. In fact, semen was not detected on any exhibit of the prosecutrix. Moreover, one of the co-accused has already been granted the concession of regular bail by the learned trial Court. The material witnesses stand examined. The petitioner has already undergone a custody period of 01 year 03 months and 01 day as an undertrial. 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 states that the petitioner was actively involved in the commission of the offence. He has filed the status report and the custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 01 year 03 months and 01 day. There is no other case registered against him. Investigation is complete. The charges were framed on 31.07.2025 and out of a total of 17 prosecution witnesses 04 have been examined. However, he submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



CRM-M- 31762-2025

-3-

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

6. Admittedly, the charges were framed on 31.07.2025 and out of total 17 prosecution witnesses, only 04 have been examined till date. The petitioner has undergone actual custody of 01 year 03 months and 01 day and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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.***

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



CRM-M- 31762-2025

-4-

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

09.12.2025
Sima

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



CRM-M- 31762-2025

-1-

236

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 31762-2025

Date of Decision: 09.12.2025

RAHUL ALIAS CHINKI

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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. 196 dated 17.08.2024 registered under Section 140 (3) of BNS, 2023 and later on added Sections 64(2) (m), 75(2), 61 of BNS, 2023 and Section 6 of the POCSO Act, 2012 - at Police Station Line Par Bahadurgarh, District Jhajjar, Haryana.

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

“To the SHO Sahab Police-station Line Par, Bahadurgarh Sir, it is requested that I am xxx s/o Sultan Singh R/o street no.1 Shastri Nagar Line Par Bahadurgarh. I am married. I have one daughter xxx whose age is about 14 years. On dated 16.08.2024 time about 3:30pm my daughter left the house without informing, that I have searched my daughter on my own level who has not been found with any of my relatives, search make kindly be made of my daughter. Description of my daughter is as such that



CRM-M- 31762-2025

-2-

fair complexion, long face, slim active body, height 5'2", yellow colour suit salwar, worn-out Hawai chappal in feet. Sd/ "

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR, which was lodged on the statement of father of the prosecutrix, to report his daughter as missing. It is submitted that the daughter of the complainant and the petitioner were in fact well known to each other. Learned counsel contends that there is no medical evidence on record to substantiate the allegations levelled against the petitioner. In fact, semen was not detected on any exhibit of the prosecutrix. Moreover, one of the co-accused has already been granted the concession of regular bail by the learned trial Court. The material witnesses stand examined. The petitioner has already undergone a custody period of 01 year 03 months and 01 day as an undertrial. 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 states that the petitioner was actively involved in the commission of the offence. He has filed the status report and the custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 01 year 03 months and 01 day. There is no other case registered against him. Investigation is complete. The charges were framed on 31.07.2025 and out of a total of 17 prosecution witnesses 04 have been examined. However, he submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



CRM-M- 31762-2025

-3-

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

6. Admittedly, the charges were framed on 31.07.2025 and out of total 17 prosecution witnesses, only 04 have been examined till date. The petitioner has undergone actual custody of 01 year 03 months and 01 day and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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.***

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



CRM-M- 31762-2025

-4-

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

09.12.2025
Sima

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