



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

(220)

**CRM-M-33692 of 2025
Date of Decision: 08.8.2025**

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 580 dated 27.8.2021 under Sections 363, 366-A, 376(2)(n), 376(3), 120-B IPC and Section 6 of the POCSO Act, registered at Police Station HTM Hisar, District Hisar.

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

“I, Chhotu Ram son of Mool Chand is resident of Geeta Colony. My grand daughter xxx(name withheld) daughter of Ram Singh aged 12 years who study in 7th class, is missing from house since 12.30 P.M. today 27.8.2021. We have doubt that some unknown person with bad intention by alluring xxx(name withheld) my grand-daughter has taken with him. A Samsung phone was also found in the bag of my grand-daughter xxx(name withheld), in which there is a SIM No. 7206666701. My grand-daughter xxx(name withheld) may be searched and recovered and action may be taken against unknown person.”



3. Subsequently, during investigation, co-accused Kartik @ Kaku was arrested and his disclosure statement was recorded. Thereafter, the victim-prosecutrix was recovered and her statement under Section 164 Cr.P.C. was recorded.

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. It has also been submitted that a reading of the statement of the prosecutrix recorded under Section 164 Cr.P.C., would reveal that the petitioner and the prosecutrix were known to each other and she at her own, left the home without informing her family. Moreover, there is no medical evidence to substantiate the allegations levelled against the petitioner in the present FIR. It has also been argued that there are material discrepancies in the statements made by the prosecutrix. He further submits that the petitioner is in custody since 10.9.2021 and there is no other case registered against him.

5. *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 custody certificate in Court today and the same is taken on record. Learned State counsel, on instructions from the official concerned, submits that the petitioner has undergone an actual custody of more than 03 years, 09 months and 22 days. He on instructions from the concerned investigating officer submits that charges in the present case were framed on 25.3.2022 and out of a total of 28 prosecution witnesses, 08 have 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.



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

7. Admittedly, the charges were framed on 25.3.2022 and out of total 28 prosecution witness, only 08 have been examined till date. The petitioner has undergone actual custody of more than 03 years, 09 months and 22 days, 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.**

8. 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.

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

August 08, 2025
Gurpreet Singh

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