



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

217

**CRM-M No.33933 of 2025 (O&M)
Date of decision: 05.08.2025**

SADDAM

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (oral)

1. The jurisdiction of this Court under Section 483 of of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.238 dated 25.07.2024 under Sections 137, 96, 64(M), 65(1) of BNS and Section 6 and 17 of POCSO Act, registered at Police Station Bhondsi, District Gurugram.

2. The relevant extract of the FIR is reproduced below:-

“Sir, the brief facts of the case are that on 25.07.2024, ASI Sherpal was present at Police Post, where complainant Sudesh Kumar Chaurasia came to Police Post and submitted a complaint in writing, contents of which are as under:- "To the SHO P.S. Bhondsi, Gurugram. Sir, Respectfully submits that I, Sudesh Kumar Chaurasia son of Bajan Chaurasia am resident of Village Sarai Bharti, P.O. Sarai Bharti, District Ballia, Uttar Pradesh, presently residing at House No.1528, Gali No.15, Krishan Kunj, Bhondsi, Gurugram and I do work as a Security Guard in Ansal.



Yesterday on 24.07.2024 at around 2.00 PM, my daughter XXXX aged 12 years has gone somewhere from home without informing me, whose description is as under:- wheatish complexion, long face, height 5 feet and she was wearing black leggings and black T-shirt. I was searching her at my own level, but I could not find her anywhere. Now, I am giving my complaint before, please search my daughter. Thank you. Sd/- Sudesh Kumar Chaurasia Complainant, Mob. No.9582138667. From the contents of complaint, on finding the offence under Section 137/96 of BNS 2023 to be made out, said FIR was registered.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. Learned counsel further submits that there was no allegation of rape in the statement recorded by the prosecutrix in her statement recorded under Section 183 of BNSS. A copy of her statement has been annexed with this petition as Annexure P-2. As per medical report (Annexure P-4), there is no injury on the person of prosecutrix. The petitioner is in custody since 28.07.2024. There is no other case registered or pending 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 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, and 07 days. He on instructions from the concerned investigating officer

**CRM-M No.33933 of 2025 (O&M)**

-3-

submits that charges have been framed on 28.10.2024. He also submits that out of a total of 25 witnesses, 04 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.

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

6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 28.07.2024. 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 out of 25 witnesses, only 04 witnesses have been examined so far. 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.***

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.

**CRM-M No.33933 of 2025 (O&M)**

-4-

- (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

05.08.2025

Jyoti-IV

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