



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

222

**CRM-M-38794-2024(O&M)
Decided on : 08.04.2025**

SANKIT

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Amrainder Singh, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.0018 dated 24.01.2024 under Section 346 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 added later on, registered at Police Station Sector 17-18 Gurugram, District Gurugram.

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

“To the SHO. Police Station Sector 18 Gurugram. Sir, I Sunita wife of Shripal' resident of Village Uhaiti, Tehsil Bilsa, District Badayu, UP at present is the resident of Room No. 19, Gali No.7, Sukhrali Enclave. On dated 18.01.2024 at about 11 AM my daughter namely Saloni aged about 18 years eloped from home without disclosing to anyone. I am searching her till date, but she was not found anywhere. Now I am giving, this complaint by approaching the police station. My FIR should be registered. Her description is that:- dark complexion, round face, height 5 feet and he has worn pink coloured top and blue coloured jeans and wearing sandal in her foot. I have doubt on a boy namely Ankit that he has taken my daughter with him. ”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that both



parties were in a consensual relationship, and being majors, they solemnized marriage on 05.03.2024 and are now blessed with a child. Additionally, it is submitted that the material witnesses, i.e. the prosecutrix and her mother have turned hostile during the course of trial. He further submits that the petitioner has undergone an actual custody of 11 months and 01 day 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 11 months and 01 day and there is no other case registered against him. He on instructions submits that charges were framed on 15.02.2025 and out of a total of 19 prosecution witnesses, only two have been examined till date. However, it is an undisputed fact that the prosecutrix and her mother have turned hostile.

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

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 02.04.2024. The material witnesses, i.e. the prosecutrix and her mother, have turned hostile. 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 19 prosecution witnesses, only two 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.
- (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

08.04.2025
Kavita Nain

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