



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

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CRM-M-35419-2025 (O&M)

Date of decision : 31.10.2025

Sagar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. V.P. Sangwan, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior D.A.G., Haryana.

None for the complainant.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No.343 dated 01.11.2024 registered under Sections 137 & 96 of Bharatiya Nyaya Sanhita, 2023 (Sections 137(2) & 64(2) of BNS, 2023 and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added and Section 137 of BNS, 2023 was deleted later on) at Police Station Bawani Khera, District Bhiwani.
2. Status report by way of an affidavit of Sh. Dalip Singh, HPS, Deputy Superintendent of Police, Tosham, on behalf of the respondent-State, filed in the Registry is taken on record.
3. Learned State counsel has produced copy of notice dated 30.10.2025, whereby the complainant has been informed about the

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pendency of the present petition. However, none has put in appearance on his behalf.

4. Brief facts of the case are that on 01.11.2024, father of the victim made a complaint to the police stating therein that he found his daughter missing since 12.00 O'clock. He searched her everywhere but could not find her. The age of his daughter is 16 years and 8 months. Giving description of wearing clothes and features of his daughter, complainant expressed suspicion on Sagar (the present petitioner). On the basis of the said complaint, the instant FIR was registered. During investigation, the victim was got recovered from the possession of the petitioner and he was arrested.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that initially, a missing report was filed by the father of the victim. The victim in her statement recorded under Section 183 of BNSS, 2023 had stated that on 31.10.2024, she along with the petitioner went to Gaziabad to reside there with her own free will as she wanted to solemnize marriage with the petitioner when he become major. Now, I want to reside with my parents and the petitioner has not done anything forcefully with her. He further referred to the testimony of the victim recorded before the Trial Court as PW-2, wherein she stated that on 01.11.2024, she went outside her house without informing her parents and thereafter, came back. In the meanwhile, her father made a missing complaint in the Police Station. She has seen the accused/petitioner, present in the Court through V.C., and stated that she know him very



well. He did not kidnapp her nor he committed any wrong act with her and she has no complaint against him.

6. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 07.11.2024 and he is not involved in any other case. He also submits that investigation in the present case is completed; challan stands presented; charges have been framed and out of total 20 prosecution witnesses, 14 have been examined so far. The trial is likely to take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

7. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that out of total 20 prosecution witnesses, 14 have been examined so far. She has also filed custody certificate dated 30.10.2025 in the Court which is taken on record. As per the custody certificate, the petitioner is behind the bars more than last eleven months and he is not involved in any other case.

8. I have heard learned counsel for the parties and perused the record.

9. Keeping in view the custody period of the petitioner which is 11 months and 23 days and the facts that the victim has not supported the case of the prosecution before the Trial Court and has been declared hostile; the investigation has been completed; challan has been



presented; charges have been framed; out of total 20 prosecution witnesses, 14 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. The petition stands disposed of accordingly.
11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

31.10.2025

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(NAMIT KUMAR)

JUDGE

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No