



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

221

**CRM-M-36453-2025(O&M)
Decided on: 05.08.2025**

RIYAZ

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**PRESENT:** Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.517 dated 31.05.2024, under Section 365 IPC and subsequently Section 6 of POCSO Act, 2012 was added later on, registered at Police Station Palla, District Faridabad.

2. The contents of the aforesaid FIR are reproduced herein below:-

“To Sh. Chowki Incharge, Sahab, Naveen Nagar Faridabad. Sir ji, it is requested that I Sanjay Shah son of Jai Bir Singh is resident of C Block House No. 295, Gali No. 5, Basantpur Colony Faridabad. I have 3 daughters. That daughter of my second number xxx age 18.11.2009 (15 years) who studies in 9th Standard who on dated 30.05.2024 time around 3 P.M in the afternoon had gone to shop to buy something who have not returned back to the home till now. That my daughter had worn suit of cream colour and salwar of pink colour in the feet has worn shoes (Jooti) whose description is as following, that colour whitish, long face, slim athletic body height is 5 ft 6 inches. It is requested from your good self that search of my daughter xxx may be got done and I have suspicion upon Riyaz son of Aslam who resides in my neighborhood on rent who used to trouble daughter xxx. That I got the house vacated by asking the neighbours. He is not residing with his parents also, is missing from his house since few days. Therefore, it is requested from your good self that appropriate action be done on this issue and after searching for my daughter may be got returned back to me safely. I shall be highly thankful. Sanjay Applicant Sanjay Singh.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of the complaint



made by the father of the prosecutrix. It is submitted that the statement of the prosecutrix recorded under Section 164 Cr.P.C. does not disclose the commission of the alleged offences by the petitioner. Even the medical examination of the prosecutrix, which was initially refused by her, does not bring out any incriminating evidence against the petitioner. It is submitted that the petitioner is a man of clean antecedents and is in custody since 06.06.2024.

4. *Per contra* learned State counsel has opposed the bail and submits that the petitioner was actively involved in the commission of the alleged offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 01 year, 01 month and 29 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 24.10.2024 and out of total of 16 prosecution witnesses, 01 witness i.e. prosecutrix, has been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

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

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 06.06.2024. 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 charges were framed on 24.10.2024 and out of a total of 16 prosecution witnesses, only 01 witness i.e. prosecutrix has been examined till date. 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. Accordingly, 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 she 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/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.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

05.08.2025
Kavita

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