



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

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**CRM-M-36557-2025(O&M)
Decided on: 13.08.2025**

DEEPANSHU

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Bhisham Kumar Majoka, Advocate and
Ms. Mansi, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, 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.235 dated 02.04.2025, under Sections 137(2), 87 of BNS and Section 84 of Juvenile Justice (Care and Protection of Children) Act, 2015, registered at Police Station Kundli, District Sonipat.

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

“To, The SHO, Police Station Kundali, Respected Sir, It is requested that, I yyy wife of Ashok son of Dulle Ram Thakur resident of Village Etha, Police Station Shergarh, District Mathura, Uttar Pradesh, Presently residing on rent/currently tenant, near big Government school, Piyaau Manihari, Kundali. On the night of 02.04.2025 my daughter xxx has gone somewhere from the house without telling anyone. xxxx has fair complexion, round face, thin body, height about 5 foot 2 inch, age 14 years. I and my family were searching xxx till now on our own. Which we have not found her. Kindly search my daughter. This application of mine was written by a passerby and was presented. Regarding missing, don't want to publish.”

3. Learned counsel for the petitioner submits that the petitioner, a young man aged 20 years, has been falsely implicated in the present case, which was initially registered on the basis of the missing complaint lodged



by the mother of the prosecutrix. It is submitted that the allegation against the petitioner of enticing away the prosecutrix is without any basis. In fact, the prosecutrix in her statement recorded under Section 183 BNSS, categorically stated that she had left her home willingly and of her own accord, and that nothing untoward had happened with her. The petitioner is in custody since 05.04.2025, for a period of 04 months and 07 days till date; and there is no other case registered against him.

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 04 months and 07 days and there is no other case registered against him. He on instructions submits that charges were framed on 08.08.2025 and out of total of 15 prosecution witnesses, none 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 05.04.2025. 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 08.08.2025 and out of a total of 15 prosecution witnesses, none 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

13.08.2025

Kavita

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No