



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-39601-2025(O&M)
Decided on: 05.08.2025

AAKASH ALIAS MOKAL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikas Bishnoi, 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.198 dated 02.07.2024, under Sections 137 and 96 of BNS and during investigation Section 96 of BNS stands deleted and Section 70(2) and 87 of BNS and Sections 4(2) and Section 6 of POCSO Act, 2012 were added later on, registered at Police Station Sadar Tohana, District Fatehabad.

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

“I, Teejo Devi wife of late Ram Niwas is resident of Gajuwala. I work as a labourer. My husband has expired. I have three daughters and two sons. Among them, my daughter xxx, who is 15 years and 7 months old, studies in the 10th grade at the Government High School in Gajuwala. On 02-07-24, my daughter xxx went to school in the morning, but she did not return home after school. We searched for her on our own and checked the footage from the panchayati surveillance camera near the school gate. In the footage showed we saw that a white Maruti Swift car with registration number HR 66B 9751 in which an unidentified male was seen luring my minor daughter xxx into the car. I request legal action against the unknown person and request that the search for my minor daughter xxxx be initiated. Sd/- Teejo. Applicant Teejo Devi wife of late Ram Niwas resident of Gajuwala Tehsil Tohana.”



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, which was initially registered on the basis of the missing complaint made by the mother of the prosecutrix. It is submitted that the prosecutrix, in her statement recorded under Section 183 of BNSS, 2023 has categorically stated that the co-accused Arun had committed bad act with her, at which time the petitioner was admittedly not even present in the same room. Further, the prosecutrix had also refused to undergo medico-legal examination, and therefore, there is no medical evidence on record to substantiate the allegations so levelled. Learned counsel submits that co-accused Ankit Kumar has already been granted regular bail by this Court on 22.05.2025 in CRM-M-8459-2025. The petitioner was arrested on 04.07.2024 and has been in custody for a period of 01 year, 01 month and 01 day. There is no other criminal 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 01 year, 01 month and 01 day and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 29.10.2024 and five out of total of 29 prosecution witnesses, including the prosecutrix, have 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 04.07.2024. 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



charges were framed on 29.10.2024 and out of a total of 29 prosecution witnesses, only 05 have been examined till date. The material witness i.e. prosecutrix stands examined. One of the co-accused has been granted regular bail by this Court on 22.05.2025 in CRM-M-8459-2025. 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