



CRR-1939-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRR-1939-2025(O&M)

Decided on: 21.08.2025

Sahil

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ankit Yadav, 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.282 dated 24.09.2024, under Sections 123, 140(3), 3(5), 351(2), 75(2) of BNS and Section 10 of POCSO Act (Later on Section 75(2) of BNS and Section 10 of POCSO Act were deleted and Sections 64, 340, 337, 70(2) of BNS and Section 6 of POCSO Act were added), registered at Police Station Hathin, District Palwal.

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

“To Mr. SHO Sahib, Police Station Hathin, Subject Application regarding use of force in forceful kidnapping. Sir, the request is that I am the applicant complainant Dinesh son of Shri Premchand resident of Ward No. 8 of Hathin, my daughter xxxx is a student of 12th (10+2) who studies in Girls Senior Secondary School, I Hathin and also learns COMPUTER at FUTURE COMPUTER CENTER, yesterday on 22/09/2024 at about 9.15 am, when she left her house to take computer class, near the girls senior secondary school where there was an empty space, the accused Sahil, son of Shoyeb, resident of Lakhnava and Salman father's name not known, resident of Lakhanab, came in their Temp. No. white



colored Swift car whose rear four digits are 0909, and forcibly kidnapped my daughter xxxx by showing her weapons and putting her in the car and took her away and did forceful act with her, then Jatin son Naresh Sharma saw the accused there and raised an alarm, then the accused fled with their car and Jatin chased her for some distance but they managed to escape from there. After this Jatin came home and informed me that my daughter has been kidnapped. When my daughter came home she was very confused and nervous. After calming down for a while she told that the accused have raped me and they forcefully made my daughter drink some intoxicating substance mixed in water. After that they threw me out of the car on the Janyati Mood and while leaving they told me that if I tell anyone about this incident then they will kill me. Therefore it is requested to you that strict action should be taken against the said accused. SD/..."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the father of the prosecutrix. It is submitted that the petitioner and the prosecutrix, both of whom are class mates, were well known to each other and were in a consensual relationship, the factum of which can be evinced from the whatsapp chats exchanged between the petitioner and the prosecutrix (Annexure P-2). In this regard reliance has been placed on the judgment passed by the Delhi High Court in **Prashant Das Gupta vs. State of NCT of Delhi and another**, bail application 3371-2023 decided on 22.04.2024, whereby regular bail was granted on the basis of the prima facie consensual relationship being established, based on whatsapp chats. It is further submitted that even as per the order of the Juvenile Justice Board, Palwal dated 21.03.2025, it was directed that there is no need for the trial of the petitioner as an adult, and that enquiry was to be conducted by the Board. Further, there is no evidence on record, including medical, to substantiate the allegations levelled against the petitioner. The petitioner is in custody



since 25.09.2024 and his custody period is 10 months and 26 days. The petitioner has clean antecedents and no other case is registered against the petitioner.

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 10 months and 26 days and there is no other case registered against him. He on instructions from investigating officer submits that charges were framed on 29.03.2025 and out of a total of 22 prosecution witnesses only 08 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 25.09.2024. 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 29.03.2025 and out of a total of 22 prosecution witnesses only 8 have 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

21.08.2025

Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>