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

Sr. No.225

**CRM-M-42228-2025(O&M)
Date of decision : 8.8.2025**

Sunny

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rohit Aggarwal, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.535 dated 5.9.2023 under Sections 341, 506, 354-A, 376 & 511 IPC and Section 8 of POCSO Act, registered at Police Station Hisar Civil Lines, District Hisar.

2. The translated version of the FIR is reproduced below:-

“To S.H.O, Police Station Civil Line, Hisar, Sir, I request that I am Sita Devi, wife of Ram Prasad, resident of Labor Colony, Hisar. I have four daughters and two sons. My daughter Xxxx is 17 years and 11 months old and studies in 12th class in G.G.S.S School Sushila Bhawan. Today my daughter went to school to study as usual. When my daughter Xxxx came home from school, my daughter told me that when I was coming home from school, I reached near the bushes on the way to Labor Colony, then I met our neighbor Sunny who blocked my way and molested me with bad intentions and tried to do wrong things with me forcefully. When I raised an alarm, Sunny threatened to kill me and fled from the spot. After that I

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have come to the police station with my daughter Xxxx. Sunny, son of Jaiveer, Labor Colony, stopped my daughter Xxxx and molested her. Tried to attack and has threatened to kill. Strictest legal action should be taken against accused Sunny. Signature Sita”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the basis of the statement made by the complainant-mother of the prosecutrix. It is submitted that the alleged incident was purported to have occurred on a roadside during day-time hours, yet no independent witness was joined in investigation. Neither is there any other evidence on record to support the allegations leveled against the petitioner. Infact, the prosecutrix had even refused to get her medical examination conducted. Learned counsel, other than contesting the petition on merits, submits that the petitioner is prone to Psychiatric Non-Epileptic Seizures, as diagnosed by PGIMS, Rohtak (Annexure A-1), and hence requires continues psychiatric care and supervision. The petitioner has already undergone an actual custody of 01 year, 09 months and 23 days and is not involved in any other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 09 months and 23 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 16.8.2024 and out of a total of 11

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prosecution witnesses, 01 witness i.e victim has been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 16.10.2023. 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 out of 11 prosecution witnesses, only 01 witness i.e victim has been examined so far. The culpability, if any, would be determined at the time of trial. Further incarceration of the petitioner, without the prospect of the trial being concluded in the near future, would not serve any useful purpose and would also 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. Without commenting anything on the merits of the case, lest it may prejudice the trial, 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(s) will not tamper with the evidence during the trial.

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(II) The petitioner(s) will not pressurize/intimidate the prosecution witness(s).

(III) The petitioner(s) will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner(s) shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) The petitioner(s) 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 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.

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

(KIRTI SINGH)
JUDGE

8.8.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No