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

Sr. No.223

**CRM-M-41934-2025 (O&M)
Date of decision : 8.8.2025**

Karan @ Gollu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manjot Gujral, 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.152 dated 11.7.2024 under Sections 123 & 61(2) of BNS and Section 4 of POCSO Act, registered at Police Station Sector-14, Panchkula.

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

*“Sir, TO Incharge Police post, Sector 16, Panchkula.
Sir, I request you that I am Rekha wife of Amar Kumar resident of house no. 111 Rajiv Colony, Sector 17, Panchkula, currently 16, a tenant of house I no. 112 Guddanpur, Sector Panchkula. have three daughters. My younger daughter Xxx left home with her friend Sarjna in the evening of 9-7-2024. She is 14 years old. We were looking for our daughter till today. But she was not found anywhere. Then when we were searching for my daughter, we found my daughter at MauliJagra park in Chandigarh. Then my daughter told me that she met Sanjana in Chandigarh Mandi. Then my daughter brought Sanjana to here home and I gave her clothes to wear. Then they roamed around*

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and She took my daughter to her friend's room in Rajiv Colony by luring her. Whose names are Rohit, Golu and Arman. These four forcefully made my daughter chitta and did bad things with her. When my daughter regained consciousness my daughter's clothes were torn and sanjna, Rohit, Golu, Armaan Panauti were sitting near her and my daughterher health was also bad. Sajanan has been taking drugs for a long time. And her friends also take drugs. Then Sanjana And his friends left my daughter in Park at MauliJagra and told her not to tell anything to anyone at home. I request you to take action against Sarjana Golu, Rohit, Armaan, Panauti for doing wrong to my daughter Rano Legal action should be taken against him. Sd/- “

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement made by the complainant-mother of the prosecutirx. It is submitted that the said complaint was moved after a delay of two days from the date of alleged occurrence. Even otherwise, no offence is established against the petitioner as per the brief description of the alleged incident as recorded by the prosecutrix during the time of her medical examination, and a perusal of the same reveals that all the allegations have infact been made against the main accused. Furthrmore, it is submitted that even the prosecutrix and her mother have turned hostile during the course of the trial. The petitioner has already undergone an actual custody of 11 months and 02 days.

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 11

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months and 02 days and there are 03 other criminal case registered against him, however, he is on bail in all those cases. He on instructions from the concerned investigating officer submits that charges were framed against the petitioner on 3.3.2025 and out of a total of 25 prosecution witnesses, 3 prosecution witnesses have 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 6.9.2025. 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 out of 25 prosecution witnesses, only 03 witnesses have been examined so far. The victim and complainant have turned hostile during the course of trial. 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. As regards the submission of learned State counsel that petitioner is involved in 03 other criminal case(s), reference is placed upon

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the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

8. 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.
- (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.

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- (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.
9. 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.
10. 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	Yes/No
Whether Reportable	Yes/No