



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-43717-2025(O&M)
Decided on: 19.08.2025

AJAY ALIAS JELLY

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gurdeep Singh, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. This is second petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.203 dated 15.05.2024, under Sections 363, 366, 354-A, 376 of IPC and Sections 4 & 8 of POCSO Act (Section 365 IPC and Section 21 of POCSO Act were deleted subsequently), registered at Police Station Meham, District Rohtak.
2. The first petition for regular bail of the petitioner was dismissed as withdrawn on 16.01.2025.
3. The contents of the aforesaid FIR are reproduced herein below:-

"I, Pramila, wife of Surender, resident near Subhash Park, Ward 4, Meham. I have two daughters. My elder daughter's name is xxx, and my younger daughter's name is xxx. The elder daughter is married. My daughter xxx is 15 years old, has passed 10th grade, and goes to Government Girls Senior Secondary School, Saimn Chugi, Meham. After her 10th grade result was declared, she went to school today, saying she would leave at 7:30 AM. However, my daughter has not returned home yet. We searched herein our relatives and neighbors, but no clue about my daughter xxx could be found. I suspect that an unknown boy has enticed her and taken her



away. My daughter left the house wearing a school uniform; maroon pants and a checked shirt, along with black shoes. Her description is as follows: wheatish complexion, round face, thin and agile body, height 5 feet 5 inches, no injury marks, age 15 years, date of birth 13.6.2009. I suspect that an unknown boy has kidnapped my daughter. Please search for my daughter.”

4. Learned counsel for the petitioner submits that the petitioner, a young man aged 23 years, has been falsely implicated in the present case on the basis of the statement made by the mother of the prosecutrix, on the sole basis that he was well known to the prosecutrix. It is submitted that the statement of the prosecutrix made under Section 164 Cr.P.C. are clear to the effect that she had voluntarily travelled with the petitioner. Even otherwise, no offence, as alleged, can be made out against the petitioner from the bare perusal of the same. Further, even as per the MLR of the prosecutrix, no injuries were found present on her person. In fact, even as per the FSL report dated 29.07.2024, semen was detected only on the clothing of the petitioner and not on the exhibits of the prosecutrix. It is submitted that the petitioner is in custody since 30.05.2024, for a period of 01 year, 02 months and 19 days till date; and there is no other case registered against him.

5. *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, 02 months and 19 days and there is no other case registered against him. He on instructions, submits that charges were framed on 21.08.2024 and out of total of 15 prosecution witnesses, 03 witnesses, including the prosecutrix and complainant, 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.



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

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 30.05.2024. 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 21.08.2024 and out of a total of 15 prosecution witnesses, only 03 witnesses have been examined till date. The material witnesses stand examined. 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.***

8. The grant of bail is warrants drawing a delicate balance of competing legal and societal interests. It is settled law that personal liberty of an individual, a cherished constitutional guarantee, cannot be taken away except in accordance with the procedure established by law. A person accused of committing non-bailable offences can be detained in custody during the pendency of the trial, unless enlarged on bail. However, exercising judicial discretion in bail matters, Courts must be guided by a calibrated assessment of factors such as the nature and gravity of the offence so alleged, the strength of the prima facie case, the likelihood of the accused fleeing justice, tampering with evidence or influencing witnesses, and the



overarching interest in ensuring that the trial proceeds fairly and without obstruction.

9. 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.

10. 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.

11. 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.

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

(KIRTI SINGH)
JUDGE

19.08.2025

Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No