



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

(232)

CRM-M-42497-2025

Date of Decision: 11.8.2025

Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Bhupender Ghangas, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 44 dated 27.3.2024 under Sections 120-B, 365 376, 506 IPC and Section 4 of POCSO Act, registered at Police Station Bond Kalan, District Charkhi Dadri.

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

"Statement of Dharamveer, son of Khemchand, cast Khati, a resident of village Baas, I have four children. My eldest daughter xxx is 16 years old. younger son Yash is 9 years old. and younger son Tiger is five years old and the younger girl Akshu is one and a half years old. My neighbor Krishna Bihari is a Rajput by caste. His sister-in-law Rakhi, daughter of Prithvi Singh, is a resident of village Laut. She has been living at Krishn's house for about 6 years. My daughter xxx and xxx are both friends. My daughter Khushi has taken her 10th exam. Today, on 27th March 2024, my daughter Khushi, my neighbor Krishn's sister-in-law, Rakhi, daughter of Prithvi Singh, resident of Village Laut, whose age is also 16 years,



at around 12 noon, both girls from my neighbor Krishn's house went somewhere without informing anyone. We searched in our village and nearby villages but they were not found. We could not find our girl. We don't have any doubt that any person. Search for our girls. My daughter was wearing a suit-salwar, suit-pajama of maroon colour. Her complexion is a fair, round face. Her height is 5 feet 1 inch. xxx was wearing a red colour suit-salwar. Her complexion is fair, face is tall, 4 feet 10 inches. Complaint Dharmbeer son of Khamchand, resident of Village Bass."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It has further been submitted that the petitioner was not even named in the FIR and has been nominated solely on the basis of the disclosure statement of the co-accused Balkit @ Modi. Learned counsel further submits that there are material contradictions and improvements in the statements of both the victims as well as the other prosecution witnesses. Moreover, both the victims at the time of their counseling, stated that no untoward incident happened to them. Furthermore, one of the victim in her statement recorded under Section 164 Cr.P.C. explicitly stated that on 27.3.2024, she went to Khatu Shyam Temple with her friend (victim) on her own will. He further submits that the petitioner has been in custody since 07.6.2024 and there is no other case registered against him.

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, 02 months and 01 day. He on instructions from the concerned investigating officer submits that charges in the present case were framed on



18.9.2024 and out of total of 29 prosecution witnesses, 12 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. Admittedly, the charges were framed on 18.9.2024 and out of total 29 prosecution witness, only 12 have been examined till date. The petitioner has undergone actual custody of 01 year, 02 months and 01 day, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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. 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 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 he 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 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

August 11, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No