



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

**CRM-M-44765-2025
Decided on: 22.08.2025**

RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. This is first petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.315 dated 23.07.2024, under Section 6 of POCSO Act, 2012 and Sections 137(2), 87 and 64(2)(M) of BNS, registered at Police Station Madhuban, District Karnal.

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

“Copy of the application is as under:- “To the S.H.O. Police Station, Madhuban, Karnal. Sir, it is respectfully submitted that I, Sonu Kumar son of Parkash Chand, am resident of Village Daha Jagir and pray that today on dated 22.07.2024 in the evening at 8.00 P.M., my daughter, xxx D/o Sonu Kumar, was gone from the home without telling with Rahul son of Baljit Kumar, Village Sirsi. Whose colour is clear and she has been wearing T-Shirt of White Colour and lower of blue colour and slippers of red colour. It is prayed to your good self that search of my daughter may be conducted. Strict action be taken. Thanking you very much. Her Date of Birth is 20.10.2007. Action may be taken against the kidnapper. Rahul Kumar son of Baljit Village Sirsi No: 839895xxxx. Sd/-Sonu Kumar so of Parkash Chand, Village Daha Jagir Mob 740430xxxx. Dated 23.07.24.”

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, alleging that his daughter, who is more than 17 years of age, had eloped with the petitioner. It is submitted that the prosecutrix in her



statement recorded under Section 183 BNSS has categorically deposed that she had left her home on her own free will. It is further submitted that even in her testimony before the learned trial Court as PW-1, the prosecutrix did not level any specific allegation against the petitioner. Learned counsel submits that the allegations against the petitioner are contended questions of fact. Even otherwise, at the stage of grant of bail, a roving enquiry into the evidence is not to be made. The petitioner, a young man of 21 years, is in custody since 09.09.2024, and has already faced a prolonged incarceration for a period of 11 months and 12 days till date; and there is no other case registered against him.

4. *Per contra* learned State counsel has opposed the bail and submits that there are serious allegations against the petitioner. 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 11 months and 12 days and there is no other case registered against him. He on instructions, submits that charges were framed on 25.02.2025 and out of total of 13 prosecution witnesses, 02 witnesses have been examined till date. He, however, 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. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 09.09.2024. 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 25.02.2025 and out of a total of 13 prosecution witnesses, only 02 witnesses have been examined till date. The prosecutrix and her mother have been examined by the learned trial Court. 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. 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.

8. 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.

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.
11. Meanwhile, learned trial Court is encouraged to conclude the trial expeditiously.
12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

22.08.2025
Ithlesh

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