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

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Date of Decision: 03.12.2025

SAHIL

... PETITIONER

VERSUS

STATE OF UNION TERRITORY CHANDIGARH

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sahil Bansal, Advocate for the petitioner.

Mr. Vaibhav Mittal, Addl. P.P., UT, Chandigarh.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.111, dated 23.12.2024, registered under Section 376(2) (n) of IPC and later on added Section 366 IPC and Section 6 of POCSO Act, 2012 at Police Station Maloya, Chandigarh.

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

To, The Station House Officer Police Station Maloya, Chandigarh. Statement of Victim Girl V D/O Krishan R/OHN xxx Daddu Majra Chd Age 18 years, stated that I have been living on the above said address with my family from some years and otherwise I am resident of Village Abdullapur, UP and have come to chandigarh in the year 2018/19 in the search of work with my family. Now I am working with my mother as a



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house-maid in the private houses and on 9th November 2023 after returning home, I went to the market to buy some Noodles. There I saw my Uncle, Sahil, who forcefully made me sit in his car on the pretext that he is going home and will drop me there as well. While in the car, he served me with the Cold drink and did wrongful acts with me which, when I got my conscious back I realized that I donot have my clothes on my body and I have been brought to a room, the address and identification of which I cannot tell. I could not walk walk properly and thereafter I started crying, on which my uncle dropped me at some random Tea-Vendor. From there, I managed to contact my mother and father and they brought me back to Chandigarh. I was very scared since my uncle Sahil has threatened to kill me as well. Thereafter I gained courage to tell the whole story to my mother and my mother has come with me to report the matter to you. In nervousness, earlier I have told place of occurrence as Raipur, Distt Mohali, Punjab. My Uncle Sahil has done wrongful acts with me without my permission, and I request you to take the legal action.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is a relative of the prosecutrix, has been falsely implicated in the instant case due to a property dispute between the families. A bare reading of the FIR reveals that the allegations levelled against the petitioner are sweeping and baseless. Infact there is an inordinate delay of over one year in the lodging of the present FIR. Furthermore, there is no material on record that points towards the complicity of the petitioner. The material witnesses stand examined before the learned trial Court. It is submitted that the petitioner has already undergone a prolonged custody period of 08 months and 12 days. There is no other case registered against him.



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3. *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 already filed custody certificate as well as the status report in Court today. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 12 days. There is no other case registered against him. Investigation is complete. The charges were framed on 27.05.2025 and out of a total of 16 prosecution witnesses, 14 have been examined. However, he submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

5. Admittedly, the charges were framed on 27.05.2025 and out of total 16 prosecution witnesses, 14 have already been examined. The petitioner has undergone actual custody of 08 months and 12 days, 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.***



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6. 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. 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.

8. 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.

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

(KIRTI SINGH)
JUDGE

03.12.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No