



CRM-M- 48826-2025

-1-

228

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 48826-2025

Date of Decision: 04.12.2025

SEEMA

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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. 65, dated 26.02.2024, registered under Sections 34 and 354 IPC and Sections 17 and 8 of POCSO Act, 2012 (charges have been framed under Section 8,4, 17 POCSO and Section 354, 34 and 376 (3) IPC) at Police Station Civil Lines Sonipat, Haryana.

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

“To. S.H.O Sahib Police Station Civil Line Sonipat, Sir, my request is that I am xxx W/o Tekchand resident of Delhi Mukandpur Radha Vihar Street No. 6. Today my niece xxx D/o late Neeraj Mukeria resident of New Pancham Nagar Old D.C. Road Sonipat, age 17 years, told me today that my mother xxx had a known named Neetu who used to come to our house when my father was not at home, my mother used to call Neetu to the house, on the behest of my step mother, Neetu touched me, I do not remember the time, date and month, dated 23 November 2023, my father



CRM-M- 48826-2025

-2-

Neeraj caught Neetu in our house, action should be taken against my step mother xxx or Neetu resident of Mohan Nagar Street No: 2.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, who is the step-mother of the prosecutrix, has been falsely implicated in the present case on her statement. The main allegations have been levelled against the co-accused Neetu. The sole basis on which the petitioner has been nominated as an accused is that the alleged act committed by the co-accused were at the behest of the petitioner. Learned counsel submits that merely bald allegations have been levelled against the petitioner, without any material on record to corroborate the same. The versions put forth by the prosecutrix disclose the presence of material contradictions and improvements. Admittedly, the prosecutrix does not remember the date, time and month of the alleged occurrence. Furthermore, initially the prosecutrix had only levelled the allegation of bad touch against the co-accused, however, it was only later on that averments of sexual assault having been committed upon her were made. It is submitted that the petitioner has been implicated in the present FIR only on account of some property dispute. Furthermore, there is no material on record to corroborate the allegations levelled against the petitioner. The investigation is complete and the material witnesses have been examined before the learned trial Court. The petitioner has already undergone a prolonged custody period of 06 months and 19 days as an undertrial. There is no other case registered against her.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the



CRM-M- 48826-2025

-3-

petitioner was actively involved in the commission of the offence. He has filed the custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 19 days. There is no other case registered against her. Investigation is complete. The charges were framed on 04.08.2025 and out of a total of 16 prosecution witnesses, 12 have been examined. However, he submits that in view of the serious allegations against the petitioner, she 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 04.08.2025 and out of total 16 prosecution witnesses, only 12 stand examined till date. The petitioner has undergone actual custody of 06 months and 19 days, and there is no other criminal case registered against her. 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 her furnishing adequate bail/surety



CRM-M- 48826-2025

-4-

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.

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

04.12.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No