



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(221)

CRM-M-49875-2025 (O&M)

Date of Decision: 11.09.2025

SANDEEP

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nirmal Singh, 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.257 dated 22.08.2024, under Sections 137(1)(b), 64(2)(m) of BNS and Section 6 of POCSO Act, registered at Police Station Bawani Khera District Bhiwani.

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

“To the SHO, Police Station Bawani Kheda, Sir, this is the request that I am Mahipal S/o Laxman village Bilpur, Police Station Erwa Katra, Tehsil Bhivona, District Oriya. I have come with my family to work at Jai Bhavani Bhatta Jamalpur. I have 5 children, the eldest daughter xxxx is 17 years old and the other 4 children are younger. My daughter xxxx has studied till 5th class, now she used to work with us and I and my wife xxxxxx had gone to Jamalpur to get the goods. Yesterday on 21.08.2021 at 12 noon, my daughter xxxxx was taken away by Sandeep S/o Bhila Ram, village Bhagana, by luring her for marriage. My daughter is fair in complexion and has a ringworm mark on her left foot; she has a salwar lined-dupatta My daughter should be searched. Sd/- Mahipal, Mahipal S/o Laxman village Bilpur, present R/o Jamalpur 81998xxxx,



Sandeep's Mob. No. 82220xxxxx, 86839xxxx, Mother's Mob. No. 74950xxxxx.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the father of the prosecutrix, alleging that the petitioner had enticed his daughter on the pretext of marriage. It is submitted that in actuality the petitioner and the prosecutrix were well known to each other, and after the prosecutrix attained the age of majority, they solemnized marriage on 21.02.2025, and have been blessed with a girl child. Even now, the prosecutrix is residing along with the minor child at the house of the prosecutrix. Furthermore, the material witnesses in the instant stand examined, and the prosecutrix has even been declared as hostile, since she did not support the case of the prosecution. The complainant along with his wife and the prosecutrix have been executed an affidavit confirming the factum of marriage between the petitioner and the prosecutrix, and stating that they would have no objection in case bail is granted to the petitioner (Annexure P-2). He further submits that the petitioner is a man of clean antecedents and has already undergone an actual custody of 6 months and 8 days.

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 6 months and 8 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 12.05.2025 and out of a total of 22 prosecution witnesses, 17 have been examined. 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 12.05.2025 and out of total 22 prosecution witness, 17 have been examined till date. The petitioner has undergone actual custody of 6 months and 8 days, and there is no other criminal case registered against him. The prosecutrix has turned hostile during the course of trial. 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

September 11, 2025
Ithlesh

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