



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

(222)

**CRM-M-51318-2025 (O&M)
Date of Decision: 17.9.2025**

Ajay Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanjay Jain, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 0020 dated 05.6.2024 under Section 6 of POCSO Act and Section 376(2)(n) IPC, registered at Police Station Women, Naraingarh, District Ambala.

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

“Statement of xxxx D/o Pawan Sahni, resident of Village Sain Mazra, Police Station Naraingarh, District Ambala, education 9th, aged 17 years. Stated that I am resident of above mentioned address. We are five brothers and sisters. While travelling to Naraingarh, Ajay Kumar met me at Ambala Chowk, Naraingarh and kept meeting me while travelling and he started conversation. Ajay told me that he is resident of Akbarpur with his family and operates JCB, he became friendly with me and I also accepted the friendship and on his asking I accompanied him to the room of a doctor in Sain Mazra and that room was near to our residence and Ajay took me there and said that I wanted to marry you and inspite of my refusal on 07.01.2024, for the first time Ajay forcefully did wrong act with me and lastly after Holy, Ajay did wrong act with me and in between



also twice he forcefully did wrong act with me in the same room and after that I did not have periods and I told this incident to my mother and my mother Geeta Devi took me to Civil Hospital, Naraingarh for treatment and doctors told me that I am pregnant and for treatment I was sent to Civil Hospital, Ambala City and now I am admitted here and Ajay has forcefully raped me and made me pregnant. Strong legal action be taken against him.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 22 years, has been falsely implicated in this case on the statement of the prosecutrix. The true factual aspect is that the parties were known to each other. In fact, the prosecutrix in her cross-examination admitted that she was having friendship with the petitioner, and that she wanted to solemnize marriage with him. In support of his submission, reliance has been placed on Annexure P-2. It has also been submitted that even now when the prosecutrix has attained majority, her stand is the same and both the parties want to solemnize marriage. He further submits that the petitioner has undergone an actual custody of 01 year, 03 months and 11 days 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, 03 months and 11 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 28.8.2024 and out of total 17 prosecution witnesses, all 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. Mr. Manoj Kumar, Advocate puts in appearance on behalf of respondent No. 2 and files his power of attorney, which is taken on record. He has not controverted the submissions made by the learned counsel for the petitioner.

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

7. Admittedly, the charges were framed on 28.8.2024 and all the prosecution witness have been examined. The petitioner has undergone actual custody of 01 year, 03 months and 11 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.***

8. Considering the peculiar facts and circumstances of the present case, and 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.

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

(KIRTI SINGH)
JUDGE

September 17, 2025
Gurpreet Singh

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