



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226)

CRM-M-50947-2025 (O&M)

Date of Decision: 16.09.2025

ARUN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. 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.198 dated 02.07.2024, under Sections 137 and 96 of BNS, (Section 96 of BNS deleted and Sections 70(2), 137(2) and 87 of BNS and Sections 4(2) and 6 of POCSO Act added later on), registered at Police Station Sadar Tohana, District Fatehabad.

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

“To, The Officer-in-Charge of Sadar Tohana Police Station, Sir it is respectfully submitted that I, xxxxx wife of late Ram Niwas is resident of Gajuwala. I work as a labourer. My husband has expired. I have three daughters and two sons. Among them, my daughter xxxxx, who is 15 years and 7 months old, studies in the 10th grade at the Government High School in Gajuwala. On 02-07-24, my daughter xxxxx went to school in the morning, but she did not return home after school. We searched for her on our own and checked the footage from the panchayati surveillance camera near the school gate. In the footage showed we saw that a white Maruti Swift car with registration number HR 66B 9751 in which an unidentified male was seen luring my minor daughter xxxxx into the car. I request



legal action against the unknown person and request that the search for my minor daughter xxxxx be initiated. Sd/ xxx. Applicant xxx wife of late Ram Niwas resident of Gajuwala Tehsil Tohana. Mobile No. 94164xxxxx, 79882xxxxx.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the mother of the prosecutrix levelling allegations that her daughter had been abducted by some unidentified person. The true factual dimension is that the petitioner and the prosecutrix were well known to each other, and there is no direct evidence to substantiate the allegations levelled against the petitioner. In fact, the prosecutrix had even refused to get conducted her medical examination. The material witnesses in the case stand examined before the learned trial Court. Two of the co-accused have been granted the concession of regular bail this Court vide respective orders dated 22.05.2025 (Annexure P-4) and dated 05.08.2025 (Annexure P-5). The petitioner is a 19 year old with clean antecedents, and has already undergone an actual custody of 1 year, 2 months and 11 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 1 year, 2 months and 11 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 29.10.2024 and out of a total of 29 prosecution witnesses, 20 have been examined. She 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 29.10.2024 and out of total 29 prosecution witness, 20 have been examined till date. The petitioner has undergone actual custody of 1 year, 2 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.**

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 16, 2025
Ithlesh

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