



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

(242)

**CRM-M-55558-2025 (O&M)
Date of Decision: 22.12.2025**

Satish Chand

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ram Bilas Gupta, 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. 142 dated 22.4.2025 under Section 140(3) BNS, 2023 and the later on added Sections 127(2), 127(3), 96, 64(1) and 99 of BNS, 2023 and under Sections 4, 6, 8 and 17 of the POCSO Act, and under Sections 4(1), 5(1)(A) (1) and 6(1)(B) of Immoral Traffic (Prevention) Act, 1956, registered at Police Station Dabua, District Faridabad.

2. Brief facts of the case are that on 22.4.2025, the father of the prosecutrix made a complaint to the police alleging therein that on 17.4.2025, at about 4.00 P.M. his minor daughter left home without informing anybody. He tried to search her but could not find her. On the basis of the said complaint, the formal FIR was registered. During investigation, the prosecutrix was recovered on 23.4.2025. She was got medico legally examined and her statement under Section 183 of BNSS,



2023 was recorded. On the basis of said statement, co-accused Balraj @ Bittu and Mamta Devi were arrested. Subsequently, call details of co-accused Mamta Devi were obtained, on the basis of which, the petitioner was arrested.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 70 years, has been falsely implicated in this case. He submits that the petitioner was not named in the present FIR, and has been nominated on the basis of the call details of co-accused Mamta Devi. It is submitted that the petitioner was neither named by the prosecutrix in her statement recorded under Section 183 of BNSS, 2023, nor has he been identified by her in the test identification parade conducted on 16.5.2025. There is no medical evidence to substantiate the allegations so levelled. It is also submitted that the similarly situated co-accused Laxmi Narain Mittal has been granted the concession of regular bail by this Court vide order dated 19.8.2025 passed in CRM-M-34130-2025. He further submits that the petitioner has undergone an actual custody of 07 months and 07 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 07 months and 07 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 08.8.2025 and out of total 24 prosecution witnesses, none have been examined till date. 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 08.8.2025. All the prosecution witnesses are yet to be examined. The petitioner has undergone actual custody of 07 months and 07 days, and there is no other criminal case registered against him. The similarly situated co-accused has already been granted the concession of regular bail by this Court. The veracity of the allegations levelled 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

December 22, 2025

Gurpreet Singh

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