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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 56670-2025

Date of Decision: 08.12.2025

NAMAN

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : **HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Nonish Kumar, Advocate for the complainant.

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.616, dated 07.11.2024, registered under Sections 86, 137 (2), 64 of BNS, 2023 and Section 4 of POCSO Act, 2012 at Police Station 32-33, Karnal.

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

“To, The Superintendent of Police, Karnal. Subject:- Application against Aditay son of Om Pal xxx resident of Village Shekhpura Tehsil and District Karnal regarding enticing away the minor daughter of the Applicant and committing bad act, issuing threat to kill her and extending threat to him for initiating legal action. Sir, it is submitted that I Karan Son of Nanna Ram resident of House No.474, Gali No.7, Karan Vihar, Karnal, I made the following prayer to you:- (1) that I am resident of above said address. (2) That xxx is my daughter and is minor aged 19 years. (3) that the above accused Aditay on 27.10.24 in the evening at



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5.30/6 PM enticed away my minor daughter and committed bad act. Thereafter on 27.10.2024 about 11.15 PM in the night the application was moved at Police Station sector 32-33 Karnal against the above accused Aditay, the complaint Number of the same is 2896-22B dated 27.10.2024. Photocopy of the same is annexed with this application. (4) That thereafter on 28.10.2024 at 11 Am in the morning my daughter came back to her house and narrated the entire incident to me that above accused xxx has enticed away her and kept in vehicle, committed bad act with her and again Aditay has extending threat for not disclosing about the occurrence to anyone. (5) That the above accused since from the last about 2 months was harassing to my daughter xxx and in this respect I moved written complaint at Police Station Sector 32-33 karnal wherein he has accepted his mistake and assured us not to harass my daughter xxxx in future. But he had not mended his ways. (6) That I continuously made visits for initiating legal action against the accused persons in the above police station but no heed has been paid. The inquiry officer has obtained signatures of me and one other person Amarjit who is my tenant on some blank papers and told that they would soon arrest the accused and give the intimation to us. Whereas the accused person is roaming freely in the area and no legal action has been initiated against him. It is therefore prayed that keeping in view the above facts appropriate legal proceedings may kindly be initiated against Aditay and life and liberty of me and my family members may e protected and justice be done to me. I shall be obliged. Karnal dated 7.11.2024 Applicant Karan Singh son of Nanna Ram, r/o 474, Gali No.7, Karan Vihar, Karnal (8708493220) At present I Sub Inspector present at Police Station, complaint of Karan Singh son of Nanna Ram, r/o 474, Gali No.7, Karan Vihar, Karnal against Aditay son of Ompal xxxx r/o village Shekhupura Tehsil and District Karnal regarding enticing away daughter of the complainant on 27.10.24 namely xx and for committing bad act and extending threat to kill has been received, through post at Police Station and consequently FIR No.616 dated 07.11.2024 u/s 86, 137, BNS, 2023 and 4 of POCSO Act lodged at Police Station Sector 32-33, Karnal.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR. It is submitted that the petitioner was not named in the instant FIR, but was nominated as an accused on the basis of the statement made by the prosecutrix. It is submitted that the allegations with respect to the commission of offences against her have been levelled against the co-accused. Moreover, in her



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statement recorded under Section 183 BNSS, no allegations were levelled against the petitioner. Furthermore, there is no direct evidence that points towards the complicity of the petitioner. Moreover, there are material inconsistencies in the versions of the prosecutrix, who stands examined before the learned trial Court. The petitioner, a young man aged about 22 years, has already undergone a prolonged custody period of 01 year and 04 days as an undertrial. 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 the custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 01 year and 04 days. There is no other case registered against him. Investigation is complete. The charges were framed on 02.04.2025 and out of a total of 13 prosecution witnesses, only 01 has been examined. However, 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 02.04.2025 and out of total 13 prosecution witnesses, only 01 stands examined, including the prosecutrix. The petitioner has undergone actual custody of 01 year and 04 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



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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 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.



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

08.12.2025
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(KIRTI SINGH)
JUDGE

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