

2025:PHHC:167356



CRM-M-66257-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-66257-2025 (O&M)
Date of Decision : 02.12.2025

BHURA

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE KIRTI SINGH

Present: Mr.Anuj Malik, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 293 dated 07.09.2023 under Sections 344, 376(2)(n), 506 IPC and 6 of POCSO Act, registered at Police Station Civil Lines Bhiwani, District Bhiwani.

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

“Sir, I am requested that I am Achhelal Ahirwar son of Binda Ahirwar resident of ward 01 Sanmuwan village Pali district Uttarpur (Madhya Pradesh). And I am living in a rented house in Rajiv Colony for about 4 months, I have three boys and two girls, my elder daughter xxx xxx has gone somewhere from home on 30.08.2023 without informing me, I have searched for my daughter xxx in my own way among my relatives, but till now nothing has been found about my daughter, so please search for my daughter. My daughter does not have any phone. Appearance. Dark complexion, healthy body, maroon colour suit salwar, white colour slippers on feet LTI Achhelal Ahirwar



son of Binda Ahirwar resident of ward No. 1 Lalgawan Grampali District Uttarpur (Madhya Pradesh)-73540xxxxx SD Rajdulari.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case due to personal enmity and family pressure. This averment can be ascertained from the fact that the prosecutrix in her initial statement recorded under Section 164 Cr.P.C. had categorically stated that she had voluntarily left her home, and that no untoward incident had happened with her. Reliance in this regard is placed on the statement annexed at Annexure P-2. It was only subsequently that the prosecutrix changed her stance due to familial pressure. Furthermore, there is no direct medical or scientific evidence available on record to corroborate the allegations leveled against the petitioner. It is submitted that the petitioner, aged about 26 years, has already undergone a prolonged actual custody of 08 months and 14 days. There is no other case registered against him. Moreover, all material witnesses have been examined before the learned trial Court.

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 08 months and 14 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 03.06.2025, and all of the 13 witnesses cited by the prosecution have been examined. He submits that in view of the serious



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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 03.06.2025. All the prosecution witnesses have been examined. The petitioner has undergone actual custody of 08 months and 14 days, and there is no other criminal case registered against him. 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



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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

02.12.2025

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No