

2025:PHHC:055723



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

Sr. No.222

**CRM-M-61262-2024(O&M)
Date of decision : 30.04.2025**

Sajan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajesh Bansal, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.582 dated 20.09.2024 under Section 140(3) of BNS, 2023 (Sections 137 & 87 of BNS, 2023 were added later on), registered at Police Station Samalkha, District Panipat.

2. The contents of the FIR is reproduced below:-

“To, Chowki Incharge, Sir, I, Bimla wife of Data Ram son of Mangre Lal, resident of Sampurna Nagar, P.S. Sampurna Nagar, District Lakhimpur Khiri, Uttar Pradesh, presently tenant in the house of Satish at Shashtri Colony, Railway Crossing, amalkha, District Panipat. I have five children. My fourth number daughter Priyanshi studies in 10th Class at Govt. School, Village Bhapran, Samalkha, whose date of birth is 10.05.2007. My daughter Priyanshi, who went from home for Govt. Sr. Sec. School on 19.09.2024. Priyanshi did not reach home till evening. When we enquired in the school on our own, then my daughter did not go to school on 19.09.2024. We enquired about Priyanshi daughter in our neighbourhood and relatives, but nothing could be found out. My

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daughter Priyanshi is 17 years old, whose appearance is wheatish complexion, tall face, healthy body, mole mark on the right side of the chin, height about 4 feet, wearing white school suit salwar, my daughter may be searched. I have come to the police station today on dated 20.09.2024 and presented application in the police station. Sd/- Bimla, Mobile No.8059417165 dated 20.09.2024.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this FIR registered on the statement of the mother of the prosecutrix. He submits that in the statement recorded under Section 183 BNSS, 2023, the victim has not supported the case of the prosecution. Further, there is also no medical evidence to corroborate the allegations since the victim had refused to undergo her medical examination. It is also submitted that the petitioner, who is a young man aged 19 years of age has already undergone an actual custody of 06 months and 29 days and is not involved in any other criminal case. Reliance is also placed upon the judgments passed in **Mrigraj Gautam @ Rippu Vs. State of U.P. and others, Criminal Misc. Bail Application No.45007 of 2023; Mohammed Ajaan Khan Vs. The State of Maharashtra and Another, Bail Application No.4621 of 2024 and Maheen Ali Vs. State of Kerala Bail application No.6644 of 2023.**

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 06 months and 29 days and there is no other criminal case registered against

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him. He on instructions from the concerned investigating officer submits that charges were framed on 13.12.2024 and out of a total of 15 prosecution witnesses, 02 witnesses have been examined till date. He however, 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. A perusal of the case in hand transpires that the petitioner is behind the bar since 01.10.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 15 prosecution witnesses, only 02 witnesses have been examined so far. The petitioner has undergone an actual custody of 06 months and 29 days and is not involved in any other criminal case. The victim has not supported the case of the prosecution. The culpability, if any, would be determined at the time of 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

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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.

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

(KIRTI SINGH)
JUDGE

30.04.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No