



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(228)

CRM-M-63703-2025 (O&M)

Date of Decision: 18.11.2025

DEEPAK

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amarsh Dudeja, Advocate
for the petitioner.

Mr. Anmol Malik, 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.118 dated 28.05.2024 under Sections 354-A, 354-D of IPC, and Sections 8 and 12 of POCSO Act, registered at Police Station Sector-14, District Panchkula.
2. The translated version of the FIR is reproduced below:-

“That I have three children, my eldest daughter is named xxxxx aged 13 years, and that she was cycling in front of my house. That my daughter had told my wife that today on 28.05.2024 when she was cycling at about 7 PM, an auto rickshaw driver had come in the street and had pressed my chest and ran away. And that auto rickshaw driver had again come in the street and started following my daughter. That at the time of incident, my daughter's friend, xxxxx was also accompanying her and both after getting scared, ran away towards their own houses and that when my daughter had come home, she was very scared. And that all of this incident was told to me by my wife xxxxxx. Later I along with my daughter then started searching for the auto rickshaw driver at our own and that he was standing in sector 16 Panchkula with his Auto and when I tried catching hold of that auto rickshaw driver he ran away. That Auto number is PB-65AS-0248. That I request you to take legal action against this Auto Driver. I ASI the complainant in the case and with



fellow staff left for the spot of the incident. Today Police Chowki Sector 16 Panchkula SD Saraswati ASI Police Chowki 16 Panchkula Date 28.05.2024.xxx”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the father of the prosecutrix, alleging that the petitioner outraged the modesty of her minor daughter. It is submitted that the allegations levelled against the petitioner are yet to be proved, and yet he has undergone an actual custody of 1 year, 5 months and 18 days as an under-trial. Furthermore, the material witnesses stand examined before the learned trial Court. The petitioner is a man of clean antecedents and there is no 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 1 year, 5 months and 18 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 15.10.2024 and out of a total of 18 prosecution witnesses, only five has been examined. 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.

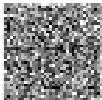
6. Admittedly, the charges were framed on 15.10.2024 and out of total 18 prosecution witness, five have been examined till date including the



material witnesses. The petitioner has undergone actual custody of 1 year, 5 months and 18 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

November 18, 2025
Ithlesh

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