



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

(218)

**CRM-M-62658-2024 (O&M))
Date of Decision: 23.7.2025**

Raju Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Pooja Jaglan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 958 dated 31.10.2022 under Sections 363, 366, 376(2)(n), 506 IPC and Section 6 of the POCSO Act, registered at Police Station Chandni Bagh, Panipat.
2. The brief facts of the present case are that on 31.10.2022, the complainant-father of the victim made a statement before the police to the effect that on 31.10.2022, at about 1.30 P.M., his daughter i.e. the victim aged 17 years went to work in the factory but did not return back and he suspects that she has been kidnapped. On the basis of the said complaint, the present FIR has been registered. Subsequently, on 28.4.2023, the prosecutrix was recovered and her statement under Section 164 Cr.P.C. was recorded on 4.5.2023. The said statement is extracted hereinafter.

“It is stated that, I am giving statement with my own consent and there no pressure on me of any kind. I have studied in Govt. school till 5-6 class. My father is a labour and my mother is a housewife.



We are 5 sisters out of which 3 are married. Last year I used to work in a company, there in company I met Raju r/o UP whose age is around 24-25. I got acquainted with Raju. On 25/26 October, 2022 around 1 Pm, Raju on bike came to drop me at my house. that day no one was present at home. This incident is of around 1-1.30 PM. My father and sister were in factory and my mother had gone to her sister's house. Raju had asked me many times for marriage. I never told about this at my home. That day, Raju committed wrong with me. Doors of house were closed. I screamed. After committing wrong Raju again promised me to marry and I never told anyone about this. On dated 31.10.2022, common friend of Raju and I, came to my home and told me that Raju is waiting for me at UJHA GATE. I lied at my home and went with Kajal to meet Raju. There Raju gave Rs/- 50,000/- to Kajal in front of me. Kajal told me that Raju will marry you. Then Raju took me to railway station on bike. We went to Delhi via Train and from there we went to Hyderabad and there we came to Anandpur via bus. There we met two of Raju's friend-Gauri and Bhure. There Raju took me Gauri's room and kept me there for 2 months and committed wrong with me everyday. Raju had already told Guari and Bhure about me. There people spoke Telugu and that is why I could not tell anyone. after two months we rented room at Dhuli road. There we stayed for 1-2 months. Raju used to beat me and commit wrong with me. He did not marry me and stated that he bought me for 50,000/-. Then one day Raju gave me phone and opened house too and told me to buy vegetable. That day 1, called my father. I talked to my sister Kirti and told everything. My sister told me go to nearest police station. Then I went to police station via auto and I told everything to police. Then I made a phone call at home and police officials from here contacted panipat police. There I. stayed in room near police station. Then for 4 days, I stayed in orphanage. Then my father came with police officials and take me and raju vacated the room and ran away. I want justice. I want to go home.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It is further submitted that there are material contradictions in the statements of the prosecutrix recorded under Section 161 Cr.P.C. and under Section 164 Cr.P.C.



Moreover, the MLR (Annexure P-5) of the prosecutrix does not support the case of the prosecution. She further submits that the petitioner has undergone an actual custody of 01 year, 09 months and 09 days.

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 01 year, 09 months and 09 days. He on instructions from the concerned investigating officer submits that challan has been presented and charges were framed 09.12.2023. He also submits that out of a total of 18 prosecution witnesses, 05 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. On a perusal of the case in hand, it transpires that the petitioner is behind for the last 01 year, 09 months and 09 days. 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 18 prosecution witnesses, only 05 witnesses have been examined so far. 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 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

July 23, 2025
Gurpreet Singh

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