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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-62700-2025(O&M)
Date of decision: 13.11.2025

MANISH KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Nitin Katoria, Advocate
for the petitioner(s).

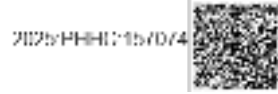
Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH. J.(Oral)

The jurisdiction of this Court has been invoked under Section 483 BNSS Act for grant of regular bail to the petitioner in case FIR No.95 dated 01.05.2024, under Sections 363, 366-A of IPC and Section 6 of POCSO ACT added later on, registered at Police Station Raipur Rani, District Panchkula.

2. The contents of the aforesaid FIR are reproduced herein below:-

“To, SHO Sir, P.S Raipur Rani, Respected Sir, It is prayed that I xxx, W/o Jagbir, resident of Mani Majra, Chandigarh and at present resident of Village Khedi, Raipur Rani, district Panchkula. I have 3 daughters and one son. My middle daughter xxx whose date of birth is 06.09.2007 and my daughter has left from the home without informing us on dated 01.05.2024 at 6 AM in the morning. I have doubt that my daughter has run with xxx, S/o Gauri Shankar, resident of Village Mauli, P.S Raipur Rani, district Panchkula has seduced her and taken her away on the pretext of marriage, my daughter is wearing Red Black colour suit and wearing slippers whose height is 5 foot, kindly look for my daughter.”



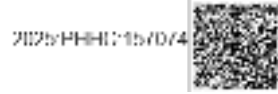
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3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the statement of the mother of the prosecutrix, alleging therein that the petitioner had enticed away the prosecutrix on the pretext of marriage. It is submitted that the prosecutrix, about 17 years old, in her initial statements made before the investigating agency as well as before the learned Illaqa Magistrate levelled no allegations against the petitioner. In fact, the prosecutrix had also initially refused to undergo medical examination. The offences as alleged are not made out against the petitioner. The material witnesses have already been examined. The petitioner, aged 20 years has undergone an actual custody of 01 year, 01 month and 29 days. He has clean antecedents and 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 has filed custody certificate in Court today and the same are taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 01 month and 29 days and there is no other case registered against the present petitioner. He on instructions, submits that the charges were framed on 08.05.2025 and out of a total of 16 prosecution witnesses, only four have been examined till date. He, however, submits that in view of the serious allegations against the petitioner, petitioner is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 14.09.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case

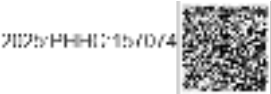


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has not made much progress, as charges were framed on 08.05.2025 and out of a total of 16 prosecution witnesses, only four have been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served 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 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.
10. Pending application(s), if any, also stands disposed of accordingly.

13.11.2025	(KIRTI SINGH)
Kavita	JUDGE
Whether speaking/reasoned.	: Yes/No
Whether Reportable.	: Yes/No