



CRM-M-65411-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-65411-2024(O&M)
Decided on: 20.05.2025

Ranvir Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Ravi Chadda, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Arvind Yadav, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court has been invoked under Section 483 of BNS for grant of regular bail to the petitioner in case FIR No.712 dated 01.12.2023, under Sections 363, 366A, 376(2)(n) IPC and Section 6 of POCSO Act, registered at Police Station City Dabwali, District Sirsa.

2. Mr. Arvind Yadav, Advocate has put in appearance on behalf of the complainant/victim and files his Vakalatnama in Court today, which is taken on record.

3. Learned counsel for the petitioner submits that the petitioner is a young man of 27 years who has been falsely implicated in the present case on the statement of the father of the prosecutrix. He submits that the petitioner and prosecutrix solemnized marriage on 05.11.2022 and also have a child from their wedlock. A copy of the deposition sheet of prosecutrix when she was examined as a prosecution witness has been supplied by learned counsel for the petitioner which is taken on record as

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Annexure A-1, a perusal of which reveals that prosecutrix has turned hostile during the course of trial. Learned counsel submits that the petitioner has clean antecedents and has undergone an actual custody of 8 months and 27 days.

4. *Per contra* learned State counsel has opposed the present petition. He has filed custody certificate which is taken on record. As per custody certificate, the petitioner has undergone actual custody of 8 months and 27 days.

5. Learned counsel appearing on behalf of the complainant does not controvert the factum of marriage between the petitioner and the prosecutrix.

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

7. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 23.08.2024 and has no other case registered against him. 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. The victim has turned hostile. 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.

8. Accordingly, the present petition is allowed and the petitioner is



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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 she 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

20.05.2025
Kapil

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