

2025:PHHC:161041



CRM-M-64268-2025 (O&M) -1-

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

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CRM-M-64268-2025 (O&M)
Date of Decision : 19.11.2025

VIVEK

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE KIRTI SINGH

Present : Mr.Abhishek Goel, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, 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. 233 dated 11.05.2022 under Sections 363, 366A IPC (Section 6 of POCSO added lateron), registered at Police Station Kheripur, District Faridabad.
2. The translated version of the FIR is reproduced below:-

“I am xxx wife of Rakesh resident of Indra Complex near Agrasen Hospital Wazirpur Road Faridabad. I have 4 children 2 boys and 2 girls. My younger daughter xxx whose age is 15 years is missing from home since this morning. I searched for her a lot but she was not found anywhere whose description is as follows. Dark complexion, round face, slim body, height 5.3 feet, age 15 years. I suspect that my daughter xxx has been lured away by Vivek, a boy living in my neighbourhood, with the



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intention of marriage. Please get my daughter searched and appropriate legal action taken.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the complainant, alleging that the petitioner had enticed away his minor daughter on the pretext of marriage. It is submitted that there are material contradictions in the various statements made by the prosecutrix. Despite charges having been framed on 24.02.2023, only the prosecutrix has been examined out of the 21 prosecution witnesses cited. The petitioner, a 24 year old with clean antecedents, has already undergone an actual custody of 03 years, 05 months and 17 days as an undertrial, despite his guilt not having been conclusively established.

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 03 years, 05 months and 17 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 24.02.2023 and out of total 21 prosecution witnesses, 01 has been examined i.e. victim 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.



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total of 21 prosecution witnesses, only the prosecutrix has been examined till date. The petitioner has undergone actual custody of 03 years, 05 months and 17 days. There is no other criminal case registered against him. The veracity of the allegations levelled 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.



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- (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

19.11 2025
anju

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