



CRM-M-64089-2025

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

225

CRM-M-64089-2025

Date of Decision : 19.11.2025

ANIL

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE KIRTI SINGH

Present : Mr.L.S.Lakhanpal, 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. 100 dated 20.08.2021, under Section 370 IPC and 6 of Protection of Children from Sexual offence Act, 2012 (challan presented under Section 328/370 IPC and 6 of Protection of Children from Sexual offence Act, 2012), registered at Police Station Women Central, Faridabad.

2. FIR in the instant case was lodged on the basis of a complaint moved before the Child Welfare Committee, contents whereof read thus :-

“To Mr. Chairman, Child Welfare Committee NIT Bal Bhawan Sub- As per the above-mentioned subject regarding the safety and protection of the girl child. Information was received on 1098 that a girl has been found abandoned at OLD Chowk. After which information from Sector-19 Chowki, the girl after D.O. the girl was provided shelter to the girl as One Stop Centre, after which the CL Team in the morning counselled the girl. In the counselling the girl told that her name is xxx aged



16 years approx. and told that she used to live with her elder sister xxx who used to live in Hanuman Nagar Gali No. 5, the girl is the resident of Malviya Nagar. The girl kept visiting her elder sister for last 7-8 months and told that she doesn't remember the date the girl angered by her sisters scolding came out of the house and the girl further told that she met a women namely xxx who told her to work and then she forced her in Sexual Work, the girl told that everyday she was sent by her to make physical relations with different persons at Janak OYO where forceful sexual relations were made. The girl told her elder sister and she didn't help her, the same was told to her mother. It is humbly requested that keeping in mind the safety and protection of the girl pass necessary orders for investigation in the present case."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner was not named in the FIR, but has been nominated as an accused solely on the basis of the disclosure statement made by a co-accused. Furthermore, one of the co-accused has been granted the concession of regular bail by the Hon'ble Supreme Court vide order dated 16.07.2025. It is also the submission that despite the charges having been framed on 28.03.2022, the trial is progressing very slowly. Even the prosecutrix, who is untraceable as of now, remains to be examined before the learned trial Court. Despite the allegations leveled against the petitioner not having been proved, he has already undergone an actual custody of since 04 years, 01 month and 07 days as an undertrial. The petitioner, aged about 25 years, is a man of 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 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 since 04 years, 01 month and 07 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 28.03.2022 and out of total 22 prosecution witnesses, 06 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. Admittedly, the charges were framed on 28.03.2022 and out of total 22 prosecution witnesses, 06 have been examined till date. The petitioner has undergone actual custody of 04 years, 01 month and 07 days, and 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

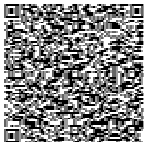


ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (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.
- (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.



CRM-M-64089-2025 -5-

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