

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226)

CRA-S-3552-2025 (O&M)
Date of Decision: 20.11.2025

ANUJ @ SUJJAL

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nissim Aggarwal, Advocate
for the appellant.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The present appeal has been filed for seeking regular bail, by way of appeal against the impugned order dated 04.10.2025 whereby the application filed by the appellant for grant of regular bail in case FIR No.89 dated 08.05.2025, registered under Sections 70(2) and 351(3) BNS, 2023, Section 6 of the POCSO Act, 2012 (Section 3 of the SC/ST (Prevention of Atrocities) Act, 1989 was added later on) at Police Station Sanoli, District Panipat, was dismissed by the learned Additional Sessions Judge, Panipat.

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

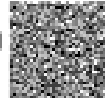
“Copy of application is in the service of, SHO, Sanoli Police Station, Panipat. Sir, It is request that I am Sawan, son of Shri Raghbir, resident of Kurad, District Panipat, and we are two siblings. I am the elder one. My sister is xxx, daughter of Raghbir, age 16 years and 2 months. I and my parents go to work at Tirupati Company, village Kurad, Panipat at 9:00 am in the morning. My sister xxx stays alone at home. Today, on 08.05.25, I came home from the company to change my clothes because I had to go to Panipat for company work. When I came home, my sister xxx was not at home. I started going back to the company. My sister xxx was coming towards the village



on a motorcycle. I tried to stop the motorcycle, but the boy on the motorcycle dropped my sister and ran away. Then I asked my sister about that boy. My to meet Anuj, son of Sonu Pandit, village Sanoli-Khurd, Panipat, while going and coming. Anuj works in the lab of our village. I went to the lab this morning to talk to Anuj. Anuj and I had been in touch before. When I couldn't find Anuj at the lab, his friend Aman arranged a conversation with him. Anuj then picked me up on his motorcycle and took me to the lab in Sanoli village. There, Anuj and his friend Aman forcibly raped me. Anuj, who had also lured me to the lab in Sanoli Khurd village about 15 days earlier, raped me. Then, Sameer and another friend of Anuj forcibly raped me and threatened to kill me and my family if I told anyone about this. My sister, xxx, told me all this. I have come to the police station today to submit a petition. Legal action should be taken against all of them and justice should be provided to my sister.”

3. Learned counsel for the appellant submits that the appellant, a 19 year old, has been falsely implicated in the present case. It is contended that the material witnesses i.e. the victim, her mother, and brother (complainant) have been examined before the learned trial Court and all three have resiled from their previous statements and have not supported the case of the prosecution as can be evinced from their statements annexed as Annexure A-2 to A-4. There is also no material on record to substantiate the allegations levelled under the SC/ST Act, under which not even a *prima facie* case is made out. Further, the co-accused Mohit @ Kalu and Aman have also been granted the concession of regular bail vide separate orders dated 09.10.2025 and 31.10.2025 respectively. The appellant is in custody since 11.05.2025 and his custody period is 06 months and 9 days and the appellant has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellant. He states that the appellant 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



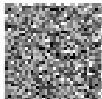
months and 9 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 23.09.2025 and out of a total of 32 prosecution witnesses, only three have been examined. He submits that in view of the serious allegations against the appellant, 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 23.09.2025 and out of total 32 prosecution witness, three have been examined till date. The appellant has undergone actual custody of 6 months and 9 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the appellant shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-appellant. Keeping the appellant 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 appeal is allowed and the appellant 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 appellant shall also abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.



- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
 - (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (iv) The appellant 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 appellant 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 appeal.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 20, 2025
Ithlesh

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