



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226)

CRM-M-65434-2025 (O&M)
Date of Decision: 27.11.2025

Nirmal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Charanjit Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Brijesh Nandan, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 read with Section 439 Cr.P.C. has been
invoked for grant of regular bail to the petitioner in case FIR No.75 dated
20.05.2025 under Sections 137(2), 96, 64(1), 69 of BNS and Section 4 of
POCSO Act, registered at Police Station Rori, Haryana.

2. The translated version of the FIR is reproduced below:-

*“The statement of XXXXX daughter of XXXXX aged 17
years Mobile:XXXX that I am resident of above said address. I am
for 12th Pass. About 2 months ago, I went coaching at a computer
center in village Rodi, and while going there, I met Nirmal Singh son
Shri Gurmeet Singh, resident of Rori and we became friends. Both of
us started talking on the phone, now I go to learn parlor work in
Bappa village. On 15/5/2025, when I was going in the bus to go to
Bappa from my village, then Nirmal Singh met me and after talking
to me for a while, started saying that you should not go to the parlor
today, I will took you Sirsa for around. I go to Sirsa with Nirmal
Singh and we roamed here and there in the park and market in Sirsa.*



In the evening, Nirmal Singh told me that I will show you, his house. I refused him, so he told me that I will marry you. Go with me my father is living separately, me and my mother live in another house with my brother and sister-in-law. Nirmal took me to his house. His father was sleeping in another room and there was no one in the house at that time. Nirmal took me to another room and told me that I want to have sex with you. And I want to marry you. I refused him for sex, then he forcefully did sex with me. After that, he told me that you should not tell anyone about this. I will marry you. Then he left me outside my house before morning on the Splendor Motor Cycle. My parents did not tell anyone about this for fear of stigma and my mother left me at my maternal grandmother's house in Talwandi Sabo (Punjab). On 19/5/2025, around 3 o'clock, I was going to buy some goods from shop from my grandmother's house, Nirmal met me on the way. Nirmal told me that we will get married, you will go with me and seduced me and sat on his motor cycle and brought me to his house in Rori, his village and started telling his family that I will marry her. Then the family members said that it is young, you should leave it back to its home. After that, Nirmal's family members called the sarpanch to their house and told the whole thing, which the sarpanch said that the girl is young, she cannot get married and informed my family and the police. The police took me with them and Nirmal Singh ran away from there due to fear. I have written my statement in front of my mother xxxx. Nirmal Singh did wrong with me by pretending to marry me. Action should be taken against him.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. It is submitted that the prosecution version against the petitioner is highly improbable, particularly with respect to the allegation that the petitioner had committed forceful sexual assault upon the prosecutrix at her residence, particularly given the fact that her father was present in the adjacent room. In fact, it is submitted that both the proseturix and her mother have turned hostile before the learned trial Court (Annexures P-2 and P-3).

Moreover, the prosecutrix in her testimony before the learned trial Court



stated that her date of birth is 18.04.2006, meaning thereby that she was an adult at the time of the alleged occurrence. Learned counsel for the petitioner that the petitioner is 24 year old man of clean antecedents, and has undergone an actual custody of 06 months and 04 days and there is no case registered against him.

4. Mr. Brijesh Nandan, Advocate, puts in appearance on behalf of the complainant and files Power of Attorney in Court today, which is taken on record. He does not dispute the averments made by learned counsel for the petitioner.

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 is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 04 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 11.08.2025 and out of total 25 prosecution witnesses, 03 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 11.08.2025 and out of total 25 prosecution witness, 03 have been examined till date. The material witnesses i.e. the prosecutrix/complainant and her mother have turned hostile. The petitioner has undergone actual custody of 06 months and 04 days, and there is no other criminal case registered against him. The veracity



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.

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

(KIRTI SINGH)
JUDGE

November 27, 2025

Anjal

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