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

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Date of Decision: 05.12.2025

CHANDAN KUMAR

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MS. 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 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.0626, dated 29.09.2022, registered under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, Section 34/506 IPC and Section 6 of POCSO Act, 2012 at Police Station Suraj Kund, District Faridabad.

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

*“In Statement of xxx daughter of Subhash Parshad Rawat,
resident of Village xxx, Police Station, Tehsil and District xxx
presently tenant of Dayaram's house, Dayaram Colony. Surajkund,*



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xxx age 17 years. Stated that I am resident of above noted address. We are five sibling in which three are sons and two are brothers. I am the eldest. Both my sisters and brothers are married. I am living with my father and both my brothers are living separately. My father run a grocery shop. My mother died when I was two and half years old. On 21.09.2022, my father and my brother beat me, choked me and still I have marks on my neck and they kicked and punched me and threw me out of the house and said wherever you want to go, go there and you will be do whatever you want. I know Chandan from the almost a year. I keep talking to him. He lives in my neighborhood. I like him. On 21.09.2022, when my father and brother threw me out of the house, my neighbor xxx aunty, who is also mother of Chandan, took me with her to her house. I stayed at their house. My father and brother know that I was at the house of xxxx aunty, yet no one came to pick me. My father often beats me after consuming alcohol and on 21.09.2022, my brother tried to kill me by strangulation. I do not want to live with them. My father and brother have arranged my marriage with someone named Golu who lives in Bihar and were going to get me married in the month of November xxxxx aunty was fine. I married Chandan on 23.09.2022 and we had physical relations many times in the house of Chandan. My brother and father can sell me. I do not want to go with them. I have got recorded my statement to you, read over, heard which is true. Sd/ ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR. It is submitted that the FIR was lodged by the prosecutrix to report the atrocities committed against her by her father and brother, who had subjected her to beatings on numerous occasions, and had also thrown her out of the house. Having been abandoned, the prosecutrix came to live in the house of the petitioner and eventually solemnised marriage with him. It is submitted that throughout the proceedings in the instant case, not even on a single instance, levelled any allegation against the petitioner. Yet he was taken into custody on 30.09.2022, while the two other accused were granted the concession of anticipatory bail vide order dated 11.11.2022 by the learned additional

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Sessions Judge, Fast Track Special Court, Faridabad (Annexure P-2).

Learned counsel submits that the material witness i.e., the prosecutrix has been examined, who has turned hostile before the learned trial. The petitioner, a young man of 23 years, has already undergone a prolonged custody period of 03 years 02 months and 05 days as an undertrial. 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 the custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 03 years 02 months and 05 days. There is no other case registered against him. Investigation is complete. The charges were framed on 27.03.2023 and out of a total of 24 prosecution witnesses, only 02 have been examined. On a query put by the Court, he has not disputed the fact that the victim has turned hostile. However, 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 27.03.2023 and out of total 24 prosecution witnesses, only two stand examined, including the prosecutrix. The petitioner has undergone actual custody of 03 years 02 months and 05 days and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be



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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 her 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

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are only for the purpose of adjudicating the present bail petition.

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

05.12.2025
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(KIRTI SINGH)
JUDGE

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