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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 68457-2025

Date of Decision: 10.12.2025

ANKUSH ALIAS KALA

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rahul Gahlian, Advocate for
Mr. Shokeen Singh Verma, 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. 318 dated 09.05.2025 registered under Sections 115(2), 126(2), 351(2), 75(2) and 78 of BNS, 2023 and Section 8 of POCSO Act, 2012 at Police Station City Hansi District Hisar.

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

“To, S.P., Hansi, Subject: application regarding to take legal action against Ankush Caste Doom, S/o Bedu R/o thurana, Tehsil Hansi. Complainant stated that 1. That the complainant is resident of village Thurana, Tehsil Hansi District Hisar and belongs to caste Jaat. The complainant is a student of B.A 1st year and studying in B.A 1st year in S.D University. 2. That the complainant comes to college in morning bus at 8:30 A.M from Thurana to Hansi and the respondent came to Hansi in the same bus. The respondent harass and do wrong gestures to the



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complainant while she was travelling and talks indecently. 3. That in November 2024, the complainant was going to college after getting out of bus and the respondent/ accused allured her and said that we will eat pizza in Pizza Hut near your college. The complainant got misled, went to Pizza Hut for eating pizza, but on that day, Pizza Hut was closed. On this, the accused misled her and said that there is another pizza hut nearby and we will eat there and accused took complainant to other place and when they reached, the accused started to talk another person and made her to sit there. After some time accused took her to a room below and said that we will eat pizza below. The complainant went to the room below with the accused. The accused had a bad eye on her and he took to the room with bad intention and accused wanted to dishonor her. The accused tried to lock the room and stated to harass her, on which the complainant fought with the accused and accused also fought with the complainant. After that she managed to escape, saving her honor. At that time the complainant was 17 years old and she was minor. Thereafter the accused travelled daily in my bus and also harass the complainant and complainant did not tell anyone due to fear and accused started to harass my elder sister Mona. At that time I told my elder sister that the accused also did same act with me in November 2024. 4. That the accused followed her and did indecent acts and harassed her. Being a minor, complainant did not tell any family member. The accused also gave threats if she tells anyone, he will abduct her and kill her or kill her by someone. Therefore its requested to you that a strict legal action should be taken against the accused and give harshest punishment and provide justice to the complainant. I will be very thankful to you. Sd/- Complainant xxx D/o xxx, caste Jaat R/o Village Thurana Tehsil Hansi District Hisar Mob. No.83073-1xxxx Sd/ ”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR on the statement of the complainant/prosecutrix. It is argued that there is an inordinate delay of about six months in registration of the present FIR, if seen from the date of the alleged false incident which purportedly took place in November, 2024. Even otherwise, a bare perusal of the FIR reveals that vague, baseless and non-specific allegations have been levelled against the petitioner. The true factual aspect is that the prosecutrix was known to the petitioner and had in fact voluntarily accompanied him to visit a food joint, where she signed the entry register by mentioning her age as 18 years. It is the further submission that there is no evidence on record that points towards the



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complicity of the petitioner. Neither is there any statement of an independent witness to corroborate the allegations, despite the alleged incident having occurred in public places. The petitioner, a 21 years old, has already undergone a custody period of 06 months and 24 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 06 months and 24 days. There is no other case registered against him. Investigation is complete. The charges were framed on 14.10.2025 and out of a total of 15 prosecution witnesses, none has been examined. 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 14.10.2025 and out of total 15 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 06 months and 24 days and there is no other criminal case registered against him. The veracity of the allegations leveled 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



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

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



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disposed of.

10.12.2025
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(KIRTI SINGH)
JUDGE

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