

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(217)

CRM-M-68612-2025 (O&amp;M)

Date of Decision: 19.12.2025

AMANDEEP

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. D.S. Virk, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

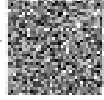
\*\*\*\*

**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.289 dated 29.08.2025 under Sections 137 and 96 of BNS, registered at Police Station Ellenabad, District Sirsa.

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

*“To, the SHO P.S. Ellenabad, Sirsa, Sir, it is submitted that I Dharam Chand s/o Jiwan Ram is the resident of Dhani Bachan Singh, Talwara Road, By-pass Ellenabad. On 28.08.2025, at about 10:30 PM, we were sleeping after having dinner, my daughter namely xxxxx aged about 17 years and 10 months, who has gone from the house, without telling anything. When I wake up for urination, I found that my daughter was not at cot. The height of my daughter xxxxx is 5 feet 6 inch, fair color, slim active body, who has worn cream color T-shirt and black color lower and hawai sleeper. My daughter is minor yet and we have doubt that Aman Kamboj s/o Daula Ram Mirok r/o village Mangala, Sirsa had taken my daughter xxxxx by alluring her. Kindly find out my daughter. Thanks Sd/- Dharampal Chand Applicant Mobile No. 88245xxxx”*

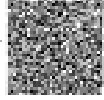


3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement made by the father of the prosecutrix. It is submitted that the prosecutrix admittedly left her home on her own will, which has been her consistent stand before the investigating agency as also in her statement recorded under Section 183 BNSS. In fact, the prosecutrix had even refused to undergo her medical examination. Learned counsel contends that there is no evidence on record that points towards the complicity of the petitioner, a 27 year old, who is in custody since 11.9.2025. There is no other 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 3 months and 8 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 16.12.2025 and out of a total of 10 prosecution witnesses, none has been examined. 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 16.12.2025. All the 10 prosecution witnesses are yet to be examined. The petitioner has undergone actual custody of 3 months and 8 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



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

December 19, 2025  
Ithlesh

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