



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

(247)

**CRM-M-69719-2025
Date of Decision: 22.12.2025**

Krishna Yadav

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Soeb Khan, Advocate
for the petitioner (through V.C.).

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 635 dated 19.7.2024 under Section 6 of the POCSO Act and Section 140(3) of BNS, 2023, registered at Police Station Palla, District Faridabad.

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

“To, SHO Saheb, Police Station Palla, Faridabad. It is submitted by Usha Devi, wife of Lal Babu Paswan, resident of village Poari, Police Station harnot, District Nalanda, State Bihar, presently living on rent at Dheeraj Nagar, Gali No. 4, Palla, Faridabad, that, My daughter MXXXn KXXi, on 18.07.24 at around 5 PM, left the house without informing anyone. She was wearing a red suit, a maroon-coloured dupatta, and slippers. She has fair skin, a round face, a healthy build, is 5 feet 1 inch tall, and is 16 years old. I have been searching for her continuously. She has not returned home till now. I searched for her at all possible places and among my relatives, but I could not find her anywhere. I am submitting this application at the police station today to report the matter and request assistance in locating her. ”



3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 22 years, has been falsely implicated in this case by the prosecutrix. The petitioner and the prosecutrix were well known to each other. It is submitted that the victim in her statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. has categorically stated that she, at her own volition, had left her house. Furthermore, the mother of the prosecutrix admitted in her cross-examination that the victim did not disclose about any sort of wrong act being committed with her by the petitioner. It is also submitted that there is no medical evidence to substantiate the allegations so levelled. He further submits that the petitioner has undergone an actual custody of 01 year, 03 months and 22 days.

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 01 year, 03 months and 22 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 18.3.2025 and out of total 18 prosecution witnesses, 02 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 18.3.2025 and out of total 18 prosecution witnesses, 02 have been examined till date. The petitioner has undergone actual custody of 01 year, 03 months and 22 days,



the allegations levelled 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 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 22, 2025

Gurpreet Singh

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