



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(159-2)

CRM-M-6718-2026 (O&M)
Date of Decision: 05.03.2026

AMIT

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kunal Dawar, Senior Advocate with
Mr. Rohit Sangwan, 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.770 dated 21.12.2024 under Sections 308(5), 351(3), 79 of BNS, Sections 12 and 17 of POCSO Act, registered at Police Station Sector-10, District Gurugram. Challan presented under Sections 4, 12, 15, 17 and 18 of the POCSO Act and Sections 308 (5), 351(3), 79, 61 and 49 of BNS and Section 67 of Information Technology Act.

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

“To the SHO Police Station Sector-10A, Gurugram Haryana Sir it is requested that I xxxxxx wife of Jagpal, resident of Gall No. 6 E near Garhi Harsaru Railway Station, Hayatpur Road, New Colony Gurugram is residing along with my family. I have a bank account in Union Bank of India Garhi Harsaru Gurugram bearing account number 520101063376306. My land was acquired and I have received around Rs. 2.00 Crore In my account. I am illiterate and old age lady and due to this reason my account was being operated by my granddaughter xxxxx, my granddaughter aged 15 years 11 month who is studying in 10th Class. My granddaughter told me that Amit son of Pardeep resident of New Colony Garhi Harsaru has got transferred money by putting pressure on her. Amit has threatened



her that he will make viral her photograph after editing It. Amit has given my phone number to Sumit Tanwar son of Sanjay, resident of Garhi Harsaru, Sumit Kataria son of Sukhpal, resident of village Hayatpur, Naveen Kakran (our neighbor) Kushal son of Gobind Yadav, resident of Hayatpur, Aditya, resident of Garhi Harsaru, Divya daughter of Vinod, resident of Navada, Sector 86 Gurugram. My granddaughter has told that Sumit Kataria has pressurized me to make a video of mine and asked to send it to him.. After threatening me of this video they got transferred money by me at many times in different bank accounts through UPI. Sumit Kataria has got transferred Rs. 35.00 lac in the account of his friend and Amit got transferred Rs. 28.00 lac in his bank account as well as in bank account of his friend. Sumit Tanwar has got transferred Rs. 4.21 lac into his account and account of his friend. Divya has got transferred Rs. 6.75 Lac into her account as well account of her friend. Naveen Kakran has got transferred around Rs. 5.00 lac in his account as well as account of his friends. In this way they have got transferred around Rs. 80.00 lac by putting pressure on me. My granddaughter told me that all the boys had threatened her on phone and misbehaved on phone and followed her and pressurized me to make physical relation and all got transferred money. This money has been transferred between February 2024 and December 1st 2024. Today my granddaughter has told me all this. Therefore, legal action be taken against all the accused. Sd/- xxxxxx Mob No. 77018xxxxx dated 21.12.2024.”

3. Learned Senior counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant FIR on the statement of the complainant, wherein it was alleged that the petitioner along with his accomplices got transferred huge amount in their bank accounts through her granddaughter after blackmailing her to make viral her obscene video. It is submitted that there is no cogent evidence on record to establish the guilt of the petitioner beyond reasonable doubt. The testimonies of the complainant and the victim stand recorded before the learned trial Court as PW-1 and PW-2, annexed at Annexure P-5 and P-6 respectively, as per which they have not supported the case of the prosecution and have been declared as hostile witnesses. He further submits that the petitioner, aged about 21 years, has already undergone an actual custody of 1 year, 2 months

and 7 days. There is no other case registered against him.



4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned Senior 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 1 year, 2 months and 7 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 16.09.2025 and out of a total of 116 prosecution witnesses, 2 have 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. Before proceeding, a gainful reference can be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases,



"necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 16.09.2025. Yet, only 2 out of 116 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 1 year, 2 months and 7 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial. Moreover, it is noted that the material witnesses during the course of their examination before the trial Court, did not support the prosecution version and have been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage

of final adjudication of the case, yet, even while refraining from entering



into any conclusive evaluation thereof, this factum cannot be completely overlooked. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22***.

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and 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.

11. 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.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

March 05, 2026
Itilesh

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