



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

217

CRM-M-6819-2026

Date of Decision:19.03.2026

MONU

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. S.K. Panwar, Additional AG, Haryana

Mr. Sanawan Ali, Advocate for respondent No.2.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 145 dated 30.07.2024, under Section 137, 229 (1), 318 (4), 336 (3), 338, 340 (1), 96, 64 (2)(m) of BNS, 2023, Section 6 POCSO Act, 2012 and Section 9, 10 and 11 of Child Marriage Prohibition Act, 2006, registered at Police Station Dhand, District Kaithal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“xxxxxx wife of xxxxxx, is resident of village xxxxxx, Police Station Dhand, District Kaithal. On 23.07.2024, my daughter xxxxxx went to pick up my younger daughter xxxxxx from school. My younger daughter xxxxxx returned home, but my daughter Aarti did not return. We searched for xxxxxx extensively in the neighborhood and among distant relatives, but could not find her. My daughter xxxxxx description is as follows: fair complexion, height 5 feet, wearing a blue suit and



salwar, a pink scarf, and wearing slippers. We have been searching for my daughter xxxxx on our own, but not found yet. Today, I have come to the police station to file a complaint about my daughter xxxxx missing. It is requested to your goodself to register a missing report for my daughter.”

3. Learned counsel for the petitioner submits that the petitioner seeks regular bail on the ground that the allegations leveled against him are entirely false and baseless, and no prima facie case is made out. Notably, there was a delay of seven days in lodging the FIR; the victim went missing on 23.07.2024, yet the complaint was filed only on 30.07.2024. The investigation stands completed, with the last accused already produced before the Court, and nothing remains to be recovered from the present petitioner. He further submits that the petitioner has been in custody for more than 08 months. Both the victim and her mother have been examined, and their statement reveals that she is 20 years old and entered into an organised marriage with the petitioner on 10.05.2025. He further submits that no physical relationship has developed between the petitioner and the victim, and thus no offence is made out. There is, thus, no tangible or substantive prosecution evidence warranting the continued incarceration of the petitioner. In view of the above, learned counsel prayed for the grant of regular bail to the petitioner.

4. Learned counsel for the petitioner further submits that the MLR placed on record shows that the victim/prosecutrix herself refused medical examination and was selective at the time. It is also pertinent that the petitioner and victim jointly filed a protection petition vide CRWP No.4884 of 2025 before this Court, which was disposed of vide order dated



13.05.2025. The victim's mother has been examined, and her statement supports the case.

5. During the hearing, the complainant appeared through counsel and stated on record that she has no objection, affirming that the victim and petitioner are married and residing together as husband and wife.

6. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of regular bail. Learned State counsel has placed on record custody certificate dated 18.03.2026 in Court, which is taken on record.

7.. I have heard counsel for the parties and have gone through the available records of the case.

8. The petitioner was arrested on 06.07.2025 whereinafter investigation stands completed, with the last accused already presented before the Court, and nothing remains to be recovered from the present petitioner. It is indubitable that the petitioner has already suffered incarceration for about 08 months and 13 days with the trial no way to conclude in near future. In this regard, it will be apposite to place reliance upon the judgment of the Hon'ble Supreme Court titled as **"Manish Sisodia versus Directorate of Enforcement"**

2024 INSC 595; relevant whereof reads as under:-

"50. As observed by this Court, the right to speedy trial and the right to liberty are sacrosanct rights. On denial of these rights, the trial court as well as the High Court ought to have given due weightage to this factor.

51. Recently, this Court had an occasion to consider an application for bail in the case of Javed Gulam Nabi Shaikh v. State of Maharashtra and Another wherein the accused was prosecuted under the provisions of the Unlawful Activities (Prevention) Act, 1967. This Court surveyed the entire law right from the judgment of this Court in the cases of



*Gudikanti Narasimhulu and Others v. Public Prosecutor, High Court of Andhra Pradesh*⁷, *Shri Gurbaksh Singh Sibbia and Others v. State of Punjab*, *Hussainara Khatoon and Others (I) v. Home Secretary, State of Bihar* *Union of India v. K.A. Najeeb and Satender Kumar Antil v. Central Bureau of Investigation and Another*. The Court observed thus:

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

52. The Court also reproduced the observations made in Gudikanti Narasimhulu (supra), which read thus:

"10. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in Gudikanti Narasimhulu v. Public Prosecutor, High Court reported in (1978) 1 SCC 240. We quote:

"What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or disposal of an appeal. Lord Russel, C.J., said [R v. Rose, (1898) 18 Cox]:

"I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the, magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial.""

53. The Court further observed that, over a period of time, the trial courts and the High Courts have forgotten a very wellsettled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception."

The rival contention of learned counsel for the parties; as to whether there is any tangible prosecution evidence available against the petitioner & as to whether the petitioner has been falsely implicated in the FIR in question; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest



it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 18.03.2026 filed by learned State counsel, the petitioner, who is aged 23 years, has already suffered incarceration for about 08 months and 13 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(NEERJA K. KALSON)
JUDGE

19.03.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No