



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

(133+210)**CRM-M-15358-2026 (O&M)****Date of Decision: 22.04.2026**

MANISH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Keshav Pratap Singh, Advocate with
Ms. Meghna Nehra, Mr. Abhisekh and
Ms Tanya Kanwar, Advocates
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)**CRM-13850-2026**

The instant application has been filed for placing on record copy of order dated 18.08.2025 passed by this Court in CRM-M-11757-2025 as Annexure P-8.

For the reasons recorded in the application, the application is allowed. Annexure P-8 is taken on record.

CRM-M-15358-2026 (main case)

1. This is the second petition filed under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 845 dated 27.10.2024 under Sections 308(2), 351(3), 123 of BNS (Section 384, 506, 328 of IPC) and Section 4, 6 & 17 of POCSO Act (Section 4 of POCSO Act deleted, Section 123 of BNS and Section 6 of POCSO Act added), registered at Police Station Sector 58, District Faridabad. The first bail petition was dismissed as withdrawn on 18.08.2025.

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



“To, The SHO, Police Sector 58, Faridabad. Sir, It is requested that I, xxxx W/o Laxman Singh, resident of village Pyala Station, Faridabad. I have two children. My daughter is 13 years old and studies in 8 class in Shiva Convent School, Sikri, Ballabgarh. My daughter has been feeling sad for a long time. Today, when I was taking out my gold and silver items to wear before going to my village, I noticed that one necklace, earrings two of my gold of pairs and one gold ring gold were missing from my belongings. I searched the house thoroughly, but could find them anywhere. I started crying, my daughter also started crying with me and while crying told me that mummy, my things have been taken away by a village boy Kunal S/o Shiv of village Pyala by threatening blackmailing me. Kunal had pressurized me to talk to him. On 17.7.2024, when I was going to my school R.L. Public School, village Pyala, in the morning, Kunal met me on the way and he told me that he would drop me to school on his motorcycle, instead of taking me to school he took me on his motorcycle to Oyo House, Green Place Hotel Guest Street No.3, Railway Road, Ballabgarh at around 9.00 AM. The Oyo person refused to accept me there after seeing my school dress. Kunal gave Rs.2000/- extra to the hotel owner and in place of my ID, Kunal wrote the name of a girl named Shivani and after giving his ID, he made an entry in the register and marked his name as his own. The Oyo person took extra money from Kunal for entry. Kunal also made me change my school dress in the Oyo room and insisted on doing bad things with me in the same room. When I refused, Kunal made me drink cold drink which made me feel intoxicated. When I regained consciousness, Kunal was doing bad things with me. I tried to stop Kunal a lot, but he did not listen and he told me that if I tell anything to anyone then he will defame me. After that when I came out of Oyo, Kunal's brother Harsh alias Aman was standing there, Harsh also threatened me that if you tell anything to anyone then both of us brothers will defame you, Kunal and Harsh have been blackmailing me. They have been threatening to make my video viral and kill me. My daughter has told me all these things, which I have fully accepted. Legal action should be taken against Kunal and Harsh. I and my daughter should get justice. My gold jewellery should be returned from Kunal. Sd/- Suman 27.10.2024, 9650958xxxx..”

3. Status report by way of affidavit of Vivek Kundu, HPS, Assistant Commissioner of Police, Mujesar, Faridabad has been filed by the State, which is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the 21 year old petitioner, who was at the relevant time employed as a sweeper at OYO Green Palace Hotel, where the alleged incident purportedly took place, has been

wrongly implicated in the present case. It is submitted that the petitioner was



neither named in the FIR, nor is any specific role or overt act attributable to him. It is submitted that there is no cogent evidence on record that points towards the complicity of the petitioner. Moreover, the material witnesses i.e. prosecutrix as well as the complainant stand examined before the learned trial Court, who in their deposition have not supported the case of the prosecution and have been declared hostile. It is further submitted that the petitioner has clean antecedents and has already undergone an actual custody period of 01 year 05 months and 24 days.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel 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 05 months and 24 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 07.07.2025 and out of total 20 prosecution witnesses, 02 have been examined till date. Learned State counsel further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Before proceeding, a gainful reference can also 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."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 07.07.2025. Yet only 02 out of 20 cited prosecution witnesses have been examined till date. 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 01 year 05 months and 24 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. 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.

10. 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*.

11. 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.

12. 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.

13. 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.

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

(KIRTI SINGH)
JUDGE

April 22, 2026
Ritika

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