



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

(208)**CRM-M-17378-2026****Date of Decision: 29.04.2026**

AJMER ALIAS CHANDU

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS (corresponding to Section 439 of Cr.P.C.) has been invoked for grant of regular bail to the petitioner in case FIR No.339 dated 30.11.2024 under Sections 351(2) and 74 of BNS (corresponding to Sections 506 and 354 of IPC) and Section 8 of POCSO Act, registered at Police Station Matlauda, District Panipat.

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

“To SHO. Sir, Police Station Matlauda, Sir, I humbly request that I, Dharambir S/o Shrichand, resident of village Ahar, I work as a driver, I have four children, two boys and two girls. My daughter xxxx is 12 years old, who had gone to the shop to buy a fast card on 25-11-2024 at around 7:30 pm. On the way, Ajmer Khan alias Chandu S/o Jameel Khan R/o Hathwala Police Station Samalkha District Panipat was standing outside at the gate and pulled my daughter xxxx inside by holding her hand and started molesting her and threatened to kill her if she told anyone. Uday S/o Ramesh R/o Ahar also came to the spot and Uday called my brother Sumer and told him that the girl has been dragged inside. When the girl's aunt xxxx wife of Shyamlal went inside the house, the girl was found inside the house. Then we called 112, which arrived at the spot. I was at Mohali in my car and I returned back to my home on 29-11-2024 after dropping all the passengers and then I inquired from my daughter xxxx, then today on 30-11-2024, after consulting with my family, I have given a request that legal action should be taken



against the accused. Applicant Sd/ Dharambir, Dharambir s/o Shrichand R/o Ahar Police Station Matlauda Mo. 829550xxxx Dated 30-11-24.”

3. Learned counsel for the petitioner submits that the petitioner, aged 19 years, has been falsely implicated in the present FIR on the basis of the statement made by the father of the prosecutrix, levelling allegations of misconduct against the petitioner. It is submitted that the petitioner and the prosecutrix were on friendly terms, to which her family objected. It is therefore that the instant FIR was got lodged against the petitioner by leveling sweeping and generic allegations, that too after a delay of five days from the alleged occurrence. Learned counsel contends that there is no cogent evidence on record to establish the alleged offences against the petitioner, who has already undergone custody of 01 year 04 months and 26 days. There is no other case registered against him.

4. *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. Learned State counsel 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 04 months and 26 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 24.02.2025 and out of total 14 prosecution witnesses, only 05 have been examined till date. Learned State counsel 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 further, 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."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 24.02.2025. Yet only 05 out of 14 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion is not imminent. The petitioner has already remained in actual custody for a period of 01 year 04 months and 26 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, particularly when the material witnesses stand examined. 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.

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

(KIRTI SINGH)
JUDGE

April 29, 2026
Ritika

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