



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

(213)

CRM-M-18011-2026 (O&M)

Date of Decision: 09.04.2026

BALJEET SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Punyaveet, Advocate and
Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, 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.711 dated 11.10.2024 under Sections 137, 96, 127(4), 61, 64(2)M, 65(1)M of BNS, and Sections 6 and 17 of POCSO Act, registered at Police Station Rania, Police District Sirsa.

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

“To SHO Sahib Police Station Rania. Subject is about registering the first information of missing person. Shri Maan ji. The request is that I am Resham Singh son of Shankar Singh caste Rai Sikh resident of village Otu tehsil Rania district Sirsa who on 23.09.2024 we slept at around 10 pm, then on 24.09.2024 I woke up at around 06 am in the morning and found that my daughter xxxxx date of birth 03-03-2009, age about 15 years 07 months, was not at home, on which her search was started, which till today date 11-10-2024 time around 2:00 pm we kept searching on our level, no trace of my daughter has been found, my daughter xxxxxx's height is about 4 feet, complexion dark eyes black, slim body, round face, has S tattoo on the right hand, is wearing red color salwar kameez, has slippers in her feet. My daughter is Punjabi and Hindi speaking. My daughter has been abducted by someone unknown by luring her. I request you to take



the trouble of registering the first information of the above or my daughter should be searched and recovered. Your kindness will be immense. Date 11-10-2024 Sd. Resham Singh.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case, which was initially registered as a missing complaint filed by the father of the prosecutrix. It is submitted that the petitioner was not named in the FIR but was nominated as an accused subsequently. In fact, the FIR itself in the present case was got lodged after an unexplained and inordinate delay of about 20 days. There is no evidence on record to corroborate the allegations levelled against the petitioner. The MLR of the prosecutrix does not reveal the presence of any injury marks; rather the prosecutrix herself had refused to undergo her medical examination. It is further pointed out that material witnesses in the instant case stand examined, and that both the complainant as well as the prosecutrix did not support the case of the prosecution and were declared hostile by the learned trial Court. It is further submitted that the similarly placed co-accused Shamsheer Singh alias Sheru and Gurdayal Singh have already been granted the concession of regular bail by this Court vide order dated 26.02.2026 passed in CRM-M-72701-2025 and order dated 07.03.2026 passed in CRM-M-68933-2025 respectively. He further submits that the petitioner, aged about 32 years, has already undergone an actual custody of 1 year, 2 months and 11 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. 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 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 03.06.2025 and out of a total of 23 prosecution witnesses, 10 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 03.06.2025. Yet, only 10 out of 23 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 11 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



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

April 09, 2026
Jitlesh

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