



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

**(209)****CRM-M-18877-2026 (O&M)****Date of Decision: 16.04.2026**

NAKUL @ ANSHU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Hoshiar Singh Jaswal, Advocate  
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Ms. Bhawna Thakur, Advocate with  
Mr. Manish Beniwal, Advocate  
for the complainant.

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**KIRTI SINGH, J. (ORAL)**

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 560 dated 09.09.2024 under Sections 140(3), 137(2), 87, 65(1), 96, 351(2), 3(5) and 61(2) of BNS (Sections 364-A, 363, 366, 376, 366-A, 506, 34, 120-B of IPC) and Section 4 of POCSO Act, registered at Police Station Samalkha, District Panipat.

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

*“To, The Chowki Incharge, Samalkha. Sir, it is submitted that I, Daya Chand son of Sh. Raje Ram, am resident of Rajasthan Colony, Ward No. 16, Samalkha. I have five children. Out of them, 3 are girls and 2 are boys. The youngest daughter is 15 years old. On 09.09.2024 at about 12.10 a.m. she left the house without informing. I tried to search her out on my own level but could not succeed. She looks like; wheatish colour, elongated/long face, thin body, height 5 feet and was bearing suit of yellow colour. You are requested to search my daughter. Thanking you. Applicant Daya Chand, resident of Rajasthan Colony, Ward No. 16, Samalkha, Phone No. 90507 6xxxx dated 09.09.2024.”*



3. Mr. Manish Beniwal, Advocate puts in appearance on behalf of the complainant and has filed his power of attorney. The same is taken on record.

4. Learned counsel for the petitioner submits that the FIR was initially registered as a missing person complaint on the statement of the father of the prosecutrix, and only subsequently were allegations introduced that the petitioner, aged 21 years, had enticed the 16-year-old prosecutrix on the false pretext of marriage and committed rape upon her. It is submitted that the petitioner, being well acquainted with the prosecutrix, has been falsely implicated in the present case. It is further highlighted that in the first statement of the prosecutrix recorded under Section 183 BNSS, she denied any wrongful act committed by the petitioner upon her and refused to get herself medically examined; whereas in her subsequent statement dated 06.11.2024, she alleged forcible abduction and sexual assault, thereby making material contradictions in her version. It is further submitted that there is no medical evidence on record to substantiate the allegations leveled against the petitioner, due to her refusal to undergo examination. Learned counsel further submits that the material witnesses have already been examined. Moreover, the co-accused namely Rahul has been granted regular bail by this Court on 19.02.2026 vide CRM-M-29179-2025. The petitioner has undergone custody of 1 year and 7 months and one more case was also registered against the petitioner, wherein he stands acquitted.

5. *Per contra*, learned State counsel as well as learned counsel for the complainant have 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 1 year and 7 months. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 15.04.2025 and out of total 30 prosecution witnesses, only 03 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.

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

7. 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."*

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 15.04.2025. Yet only 03 out of 30 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the trial has already been underway since long, and the conclusion thereof may not be imminent. The petitioner has already remained in actual custody for a period of 1 year and 7 months.

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, particularly when the material witness(es) stands 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.***

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.
- (vi) The accused-petitioner will not make any attempts to re-associate with the prosecutrix or her family members in



any manner either through a device or in-person.

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 16, 2026**  
*Ritika*

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