

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

(213)**CRM-M-22370-2026****Date of Decision: 14.05.2026**

ABID

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vikas Saroha, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

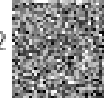
KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS/439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 586 dated 27.09.2025 under Sections 140(3), 137(2), 351(3) of BNS (Section 365, 363, 506 of IPC) and Section 6 of POCSO Act, registered at Police Station Palla, Faridabad, District Faridabad (Haryana).

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

“To the SHO, Dabua Faridabad Sir; I am xxxx w/o Rakesh Gupta, resident of Vill. Akbar Pur, Police Station Paliganj, District Patna, Bihar, presently residing at DC-242, Dabua Colony, Faridabad. I have three children. My second daughter, aged 16, left home without informing me on 20-7-2025. In this regard, FIR No. 31 was registered on 05-08-2025 at Police Station Anand Vihar, Delhi. She was found on 13-8-2025. The police sent her to a juvenile centre. The girl was handed over to me on 13-8-25. The girl's statement was recorded by the police. Based on the findings, the case was dismissed. My daughter left home again on 6-9-25. I suspect that she might be with Akash and Sumit. Wheatish complexion, long face, healthy body, age 16 years, height 4'11" wearing black colored jeans pant and black colored top. I have searched for him a lot on my own till now. He was not found. Search should be done. Sd/- Sarojini.”

3. Learned counsel for the petitioner submits that the petitioner, now aged 24 years, has been falsely implicated in the present case. It is submitted that the prosecutrix, in her statement recorded under Section 183 of

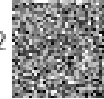


BNSS, did not level any overt allegations against the petitioner. Infact, even in her deposition before the trial Court, she did not support the prosecution case and was thus declared hostile. Reliance is placed upon the testimony of the prosecutrix annexed as Annexure P-2. As such, there is no cogent evidence on record to substantiate the even otherwise sweeping and omnibus allegations leveled against the petitioner. The bona fide of the complainant is also questioned, by submitting that an earlier FIR bearing No.444 of 2021 u/s 376 of IPC and 3/4 POCSO Act, P.S. Bharthana Distt. Etava, concerning the same prosecutrix, was got lodged by her. However, the accused therein stands acquitted, vide judgment dated 12.03.2024 since the prosecutrix and complainant did not support the case against them. It is further submitted that the petitioner has already undergone custody of 07 months and 15 days. There is no other case registered against the petitioner.

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 07 months and 15 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 17.12.2025 and out of total 18 prosecution witnesses, only 02 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:

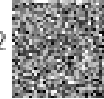
"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a 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 17.12.2025. Yet only 02 out of 18 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 07 months and 15 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.

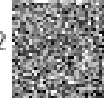
9. Presently, no material has been placed on record to suggest that



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 witness i.e. the prosecutrix during the course of her examination before the trial Court, did not support the prosecution version and has 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.***

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

May 14, 2026
Ritika

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