



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-22160-2026
Date of decision: 30.04.2026

MOHIT SANGWAN

...PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pradeep Duhan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J.(ORAL)

1. Prayer in the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short- 'BNSS'), is for grant of regular bail to the petitioner, in case FIR No.76 dated 10.08.2024, under Sections 78, 308(2) of Bharatiya Nyaya Sanhita Act (Sections 354(D), 384 of Indian Penal Code), Section 12 of POCSO Act and Section 67-A of Information Technology Act, registered at Women Police Station Charkhi Dadri, District Charkhi Dadri, Haryana.

2. The contents of the FIR are reproduced below:-

"Sir, the applicant prays as under: 1. That I, MXXX wife of AXXXXXX. I have 2 children, a girl and a boy. The girl is elder. My

**CRM-M-22160-2026****-2-**

daughter is about 17 years old. My daughter, who studies in 12th grade, had been troubled for quite some time. I make her sit down and asked if she had any problems. My daughter HXXXX started crying. While crying, she told me that Mohit, who lives in her neighborhood, used to come to her shop in December 2021. I had talked to Mohit two or three times at our grocery store in 2022. He asked me if I used Instagram, and I said no. Then he created an Instagram ID for me. He had the password. I didn't know the password; the ID password was saved on my phone. He used the ID that was on my phone to chat with himself, deleted it from my ID, and took screenshots of those chats. He started blackmailing me with those chats, saying he would delete the screenshots. He demanded 5000 rupees from me. I gave money to him. He repeatedly demanded money from me, telling that if I stopped chatting with him, he would show the chats to my family. I would sometimes give him 1,000 rupees, sometimes 2,000 rupees, depending on his requests. In this way, I gave Mohit approximately 20,000 rupees in 2022. I then permanently disabled the Instagram ID, Mohit had created on my phone. Then, in January 2024, I received a message on my WhatsApp number, 9992701754, saying, "Hello, see this video, is it yours?" He then blackmailed me by editing a video of a girl bathing, putting my face on it, and sending it to my WhatsApp. He told me to pay 80,000 rupees or he would make the video viral. I asked him for some time, so he said, "If you don't have the money, give me something gold." I slowly gave a pair of gold earrings and Rs. 8,000 from my home in March, and then in small amounts, I paid a total of Rs. 15,0000. Then he told me that this was for not uploading the video and not for deleting video. And to delete the video you will have to pay Rs. 80,000/- in one go. Then in May 2024, I gave a gold Radha Krishna locket, earrings and Rs. 10,000 in cash. I then blocked his number. Then, in July, he came to my school and said, why did you block me and unblock me. I unblocked him out of fear. Then message came and asked me to pay him the full amount. I told him to given money in August. Then he told me to give him any gold item before that. Then on 25th July I gave him my father's gold ring. My daughter told me that I could not fulfill his demand of Rs. 80,0000/-. And I was very upset and my daughter told me all these things. He blackmailed my minor daughter and took away money and gold jewellery. All these things have been gold by my daughter today. Strictest action should be taken against the accused. Sd/- MXXXX"

**CRM-M-22160-2026****-3-**

3. Learned counsel for the petitioner, inter alia, submits that the petitioner, aged over 20 years, has been falsely implicated in the present FIR which was registered on the statement of the mother of the prosecutrix. It is submitted that the prosecutrix, age of whom is a disputed question of fact, was in regular voluntary contact with the petitioner over social media. However, when the said fact came to the knowledge of the complainant, the present FIR was got registered, that too after a delay of over 2 years from the alleged first incident. Learned counsel contends that even otherwise, a bare perusal thereof reveals that vague and non specific allegations have been leveled against the petitioner. There is no cogent evidence on record that points towards the complicity of the petitioner. Moreover, there exist material infirmities and inconsistencies in the versions put forth by the prosecutrix, who stands examined before the learned Trial Court. The father of the prosecutrix is also not coming forward for his deposition as a prosecution witness, for which reason even non-bailable warrants have been issued against him. In this regard, the zimni orders passed by the learned Trial Court have been submitted in Court, which are accordingly taken on record. It is submitted that the petitioner has already undergone prolonged custody period of 1 year, 7 months and 21 days.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Upon instructions from the Investigating Officer concerned, he states that a custody certificate has been filed in Court today and the same is taken on



CRM-M-22160-2026

-4-

record. As per the custody certificate, the petitioner has undergone actual custody of 1 year, 7 months, and 21 days. The investigation is complete. He further submits that charges were framed on 19.12.2024, and out of a total of 27 prosecution witnesses, 20 have been examined.

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. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the



CRM-M-22160-2026

-5-

evidence, must take into consideration the nature of the offence, severity of the punishment and *prima facie*, the involvement of the accused and the material on record.

8. Reverting to the case in hand, it is borne out of the record that charges in the present case came to be framed on 19.12.2024. At present, 7 out of 27 cited prosecution witnesses are yet to be examined before the learned Trial Court. The father of the prosecutrix is not coming forward to record his testimony, despite issuance of warrants. The conclusion of trial is thus not imminent. The petitioner has already remained in actual custody for a period of 01 year abd 07 months and 21 days.

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 witnesses stand examined. Therefore, upon taking into account all the considerations stated herein-before, and without expressing an opinion on the merits of the case

**CRM-M-22160-2026****-6-**

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, without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following 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.



CRM-M-22160-2026

-7-

- (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. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

April 30, 2026
Poonam Sharma

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No