



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-25420-2025 (O&M)

Date of Decision: 09.01.2026

KAMAL MEENA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

CRM-51453-2025

Allowed as prayed for subject to all just exceptions. Annexures
A-1 and A-2 are taken on record.

CRM-M-25420-2025

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.44
dated 10.02.2024 under Section 6 of POCSO Act, registered at Police
Station Kheripul, District Faridabad.

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

*“Police Station Kheri Pul District Faridabad, Statement by xxxxx d/o
Joginder r/o Village Nangla Umed, District and Tehsil Hathras Police
station Sasni Gate UP Presently tenant (House of Jagdish) Street number
1 Jhandu Colony opposite Canal Khedi Pul Mobile number 78386xxxxx
aged about 14 years, Stated that I am a resident of the above mentioned
address. I have studied up-to fifth class. I have studied up-to 5th from
Government School Sector 31. After that I left studies. I am the only child
of my parents. My mother died 6 years ago. Kamal came to live with his*



brother 6-7 months ago. I started talking to Kamal about a month ago. Kamal used to tell me that he will marry me. In January 2024, Kamal had physical relations with me in his room. Yesterday on 9-2-2024, I went to my aunt's house with my brother's son. I came back from my aunt's house at 10:00 pm, then Kamal pulled me into his room and we had physical relations. After some time my father came here, he saw me and Kamal together. Kamal has made physical relations with me twice by luring me. Kamal did wrong to me. Strictest action should be taken against Kamal. I wrote this statement in front of my father, I heard it, it's okay. xxxxx, Joginder Singh THIS STATEMENT IS WRITTEN IN MY PRESENCE JYOTI RANI 10.02.2024 LEGAL AID COUNSEL ATTESTED BY HEMLATA PSI W.P.S CENTRAL FARIDABAD DATE 10.02.2024”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement made by the prosecutrix. It is submitted that the first alleged incident is purported to have taken place in January 2024, however, it was only on 10.02.2024 that the instant FIR was got lodged. The true factual matrix is that the instant FIR was registered by the prosecutrix under pressure from her father, who she admits had seen her with the petitioner. It is submitted that the petitioner, aged about 20 years, was taken into custody on 11.02.2024, and despite his prolonged custody of 1 year, 10 months and 28 days, only two prosecution witnesses i.e. the prosecutrix and her father have been examined. In fact, both the material witnesses have not supported the case of the prosecution and have turned hostile (Annexure A-1 and A-2). 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. 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, 10 months and 28 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The



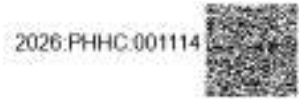
charges were framed on 27.09.2024 and out of a total of 17 prosecution witnesses, two have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. Admittedly, the charges were framed on 27.09.2024 and out of total 17 prosecution witnesses, only two, i.e. the prosecutrix and her father have been examined till date, both of whom have turned hostile. The petitioner has undergone actual custody of 1 year, 10 months and 28 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh and another"*, (2018) 3 SCC 22.**

7. 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.
 - (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.
8. 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.
9. 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.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

January 09, 2026
Ithlesh

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