



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

(218)

CRM-M-25813-2026

Date of Decision: 12.5.2026

Abdul Rehman

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. G.C.Shahpuri, Advocate  
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 208 dated 01.10.2025 under Sections 115, 127(2), 351(2) of BNS and Section 8 of the POCSO Act, registered at Police Station Jathlana, District Yamuna Nagar.

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

*“Sir, it is submitted that I, xxxxx wife of Arjun resident of Jathlana. I am having three daughters. My elder daughter is studying in 10th standard whose date of birth is 09.09.2010 and she is 15 years old. Today, she went to Shri G. Communication for taking tuition and she was returning from the tuition at about 6:00 PM. On the way, Rehman s/o Mustkeen, resident of Jathlana stopped his motorcycle in front of my daughter and caught hold the hand of my daughter with bad intention. He started immoral activities with my daughter namely xxxxx. At the same time, my brother's son namely Arun s/o Mohit had reached there in order to get my daughter. Rehman also got into physical scuffle with Arun and started abusing him. He told that he will do and you cannot stop me. My father-in-law Hisham Singh also reached on the spot. Rehman also got into physical scuffle with him and ran towards his home. He took gandasi from his house and ran after us with an intention to kill us. We all in order save our life came to our house. We dialed at 112 and 112 reached on time. We all have come to Police Station. Rehman has*



*stopped the way of my minor daughter and committed immoral activity and he got into physical scuffle with my nephew and father-in-law and he chased us with gandasi with an intention to kill us. Legal action be taken against him.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 19 years, has been falsely implicated in this case by the complainant. A bare perusal of the FIR reveals that sweeping, omnibus and non specific allegations have been levelled therein, which remained unsubstantiated by way of any cogent evidence on record, particularly with respect to the petitioner. The averment regarding injuries received in the alleged scuffle are also not corroborated by any medical evidence. Moreover, the material witness i.e. the victim stands examined before the learned trial Court, whose testimony also suffers from material infirmities and inconsistencies. It is submitted that the petitioner has already undergone an actual custody of 07 months and 06 days.

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 07 months and 06 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 03.12.2025 and out of total 17 prosecution witnesses, 01 has been examined till date. It is further submitted that besides the present FIR, another FIR No. 170/2024 dated 22.7.2024 under Section 126 BNS and Sections 8/12 of the POCSO Act, was also registered against the petitioner in which he has been convicted by the learned trial Court. 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. 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 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.

7. 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."*



8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 03.12.2025. Yet, only 01 out of 17 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 07 months and 06 days.

9. As regards the submission of learned State counsel that petitioner is involved in 01 other criminal case, it has been held by the Hon'ble Supreme Court ***in Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

10. While the truthfulness or otherwise of the allegations levelled against him 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.

11. 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 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.***

12. 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.

13. 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.

14. 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.

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

**(KIRTI SINGH)**  
**JUDGE**

**May 12<sup>th</sup>, 2026**  
Gurpreet Singh

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