



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

(221)

CRM-M-26819-2026 (O&M)

Date of Decision: 18.05.2026

MANJEET

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Aditya Sanghi, Advocate,
Mr. Navtej Singh Sra, Advocate and
Mr. Pradeep Bhardwaj, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

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.82 dated 10.02.2026 under Sections 140(3), 64(2), 75(2), 78(2), 351(3), 238 and 3(5) of BNS and Sections 6, 12 and 17 of POCSO Act, registered at Police Station City Hansi, District Hansi.

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

“It is respectfully submitted that I, Gugan son of Shri Phoolaram, caste Gujjar, resident of Village Dhani Pal, Tehsil and District Hansi, am a resident thereof. That the name of my daughter is xxxxx, whose age is sixteen and a half years. That today, dated 10.02.2026, at about 08:00 AM, my daughter xxxxx, as per her daily routine, left the house to go to school and till now has not returned back home. I have made inquiries regarding my daughter xxxxxxxx in the nearby areas as well as among all relatives, but nowhere have I been able to find any information about my daughter xxxxxxxx. Till now, I myself have been searching for my daughter xxxxxxxx at my own level. The description (identification particulars) of my daughter xxxxxxx is as follows: age about 16½ years, fair complexion, height 5 feet 4 inches, long face, thin/slender body, wearing a white coloured suit-salwar (school uniform). Therefore, it is prayed to you, Sir, that the



missing report of my daughter xxxxxx be registered and strictest legal action be taken against the above said persons and my daughter xxxxx be recovered. I shall be highly obliged.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case. It is submitted that the petitioner was not named at the time of registration of the present FIR, but was subsequently nominated as an accused on the basis of disclosure statement of the main accused. The alleged role attributed to the petitioner is that he had provided accommodation to the prosecutrix and the co-accused at the hotel, where the alleged occurrence took place. It is submitted that there is no cogent evidence on record that points towards the complicity of the present petitioner, who is neither the owner, manager or any person in lawful control of the said hotel. The mere presence of the petitioner on the spot at the relevant time is the sole basis for the charge framed against him under Section 17 of POCSO Act. No role with respect to the other alleged offences is attributable to the petitioner. Further, relying on the statement of the prosecutrix recorded under Section 183 BNSS, it is submitted that therein as well, neither was the petitioner named, nor were any allegations levelled against him. He further submits that the petitioner, aged about 33 years, has already undergone an actual custody of 1 month and 28 days. There is no other case registered against him.

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 month 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 28.04.2026 and out of a total of 24 prosecution witnesses, none has 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. 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. Reverting to the case in hand, it is borne out from the record

that charges came to be framed on 28.04.2026. All the 24 prosecution



witnesses cited remain to be 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 1 month and 28 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. 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.

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

(KIRTI SINGH)
JUDGE

May 18, 2026
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