



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

(104)

CRM-M-51681-2024 (O&M)
Date of Decision: 23.1.2026

Ramotar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Charanjit Singh Bakhshi, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

None for respondent No. 2.

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. 142 dated 14.4.2024 under Sections 323, 365, 363, 376(A)(B) IPC and Section 6 of the POCSO Act, registered at Police Station DLF, District Gurugram.

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

"To, The SHO, Sector 29 Police Station, Gurugram Sir, I am a resident of Gurugram. I am 24 years old and have three children. On the night of 13-14/04/2024, at around 2 AM, I was sleeping outside my shack on the footpath with my 4-year-old daughter. At around 3-4 AM, when I woke up, my daughter was not there. We searched the surrounding area. At that time, the police arrived. We informed the police, and they assisted us in searching for my daughter. The police found my daughter and the boy who had abducted her, an auto driver named Ram Avatar. When my wife and I questioned my daughter, she told us that the auto uncle kissed her



on the mouth and inserted his finger into her private part. When she cried, the uncle slapped her. Auto driver Ram Avatar took my daughter and ruined her life by committing this heinous act. Strict legal action should be taken against Ram Avatar.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 26 years, is an auto rickshaw driver and has been falsely implicated in this case by the complainant, who is the father of the prosecutrix, by levelling allegations that the petitioner had inappropriately touched his minor daughter. It is submitted that the version given by the complainant in the FIR is at complete variance from the versions given the victim and her mother in the medical report. Even the medical evidence does not corroborate the allegations so levelled against the petitioner, and that there is no independent corroboration by any witness to the alleged occurrence. It has also been submitted that the material witnesses have been examined. He further submits that the petitioner has undergone an actual custody of 1 year, 09 months and 08 days and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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, 09 months and 08 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 04.7.2024 and out of total 23 prosecution witnesses, 03 have been examined till date. She 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 04.7.2024 and out of total 23 prosecution witnesses, only 03 have been examined till date. The petitioner has undergone actual custody of 1 year, 09 months and 08 days, and there is no other criminal case registered against him. The material witnesses already stand examined. The veracity of the allegations levelled 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 23, 2026

Gurpreet Singh

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