



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(128)

CRM-M-56309-2025 (O&M)

Date of Decision: 25.02.2026

HARI SINGH

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.S. Nain, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Himanshu Setia, Advocate and
Mr. Kushager Goyal, Advocate
for respondent No.2.

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.232 dated 27.04.2025 under Sections 333, 65(1) and 75(2) of BNS and Sections 4 and 12 of POCSO Act, registered at Police Station Rania, District Sirsa (and alternative charge charges framed under Section 8 of POCSO Act).

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

“Statement of namely xxxx, daughter of late Dooni Ram, aged 13 years and 7 months, resident of Mainakhera, Road, Khariyan, Police Station Rania, District Sirsa, Mobile No. 94166-xxxx. Stated that that I am a resident of the above mentioned address. I have studied till class 7. We are two siblings. I am the elder one. In the month of January, our neighbour Hari Singh, son of Roop Ram, aged about 40 years, a professional menson, entered my house during the day, at that time I was sleeping alone in the room. He grabbed my breast and started rubbing it repeatedly. He played obscene videos on



his phone and started showing them to me. He held me tightly, I shouted but no one heard. He pulled the string of my salwar and started rubbing my private part and did wrong act with me and left. I was scared and out of fear did not tell anyone about it at home. When I started keeping quiet, I spoke to my mother and during that time on 26.04.2025 I told her about the above incident of my mother. She brought me to you today. I have recorded my statement in front of you today on 27.04.2025. I should be given justice and police action should be taken against Hari Singh son of Roopram. I have heard my statement, read it and understood it, which is correct. Sd xxxx. Recorded the statement of the victim, according to her statement SD Shanti Devi 27.04.25 Ms. Shanti Devi Legal Aid Counsel Sub Dev, Court, Ellenabad Distt. Court, Sirsa Attested Shammi PSI PS Rania Dt. 27.04.25 Dist. Sirsa.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement of the prosecutrix, wherein it was alleged that the petitioner did wrong acts with her. It is submitted that the mother of the prosecutrix was in a consensual relationship with the petitioner, and when the relation between the two turned sour, she got lodged the instant FIR through the prosecutrix. It is further submitted that there are material contradictions in the statements of the prosecutrix, insofar as she had stated in her initial complaint that when the petitioner entered her house, she was asleep, but in her statement recorded under Section 183 BNSS, she stated that when the petitioner entered her house, she was studying. It is the further submission that there is an unexplained delay of about four months in the registration of the instant FIR. The material witnesses stands examined before the learned trial Court. He further submits that the petitioner, aged about 44 years, has already undergone an actual custody of 9 months and 6 days. There is no other case registered against him.



4. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 have 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 9 months and 6 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 19.08.2025 and out of a total of 15 prosecution witnesses, 2 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. Reverting to the case in hand, it has been vehemently contended that the present FIR is an outcome of a dispute arising out of consensual relationship between the mother of the prosecutrix, and the petitioner. There is an inordinate delay of about four months in the registration of the instant FIR, from the alleged date of occurrence. Moreover, despite the charges having been framed on 19.08.2025 and out of total 15 prosecution witnesses, only two have been examined till date. The petitioner has undergone actual custody of 9 months and 6 days, and there is no other criminal case registered against him. The material witnesses stands examined before the learned trial Court. 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



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.**

8. A gainful reference can also 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.”

9. 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.
- (vi) The petitioner shall not make any attempts to re-associate with the prosecutrix or her family members in any manner either through a device or in-person.

10. 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.

11. 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.

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

(KIRTI SINGH)
JUDGE

February 25, 2026
Ithlesh

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