



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(113) CRM-M-58163-2025 (O&M)
Date of Decision: 22.04.2026

RXXX ALIAS RXXX

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rahul Sidher, Advocate
for the petitioner (through V.C.).

Ms. Saumya Ahluwalia, Sr. DAG, 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. 443 dated 11.11.2024, under Sections 76, 115(2), 351(3) of BNS and Section 8 of POCSO Act, registered at Police Station Narnaund, District Hisar.

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

“By hand 1212 dated 11.11.2024 To, Station Incharge, Police Station Narnaund. Subject: Application for legal action against Rajiv alias Raju, age about 33 years, Mobile No. 94993xxxx, 98122xxxx, son of Tara, caste Chamar, village Khanda Kheri, Tehsil Bass, District Hisar, regarding coercion, assault and threat to kill and kidnap. Sir, Applicant makes the following written request that 1. That I am xxxxxx wife of Suresh Kumar, Chamar, caste resident of we Khanda kheri, Tehsil Bass, District Hisar and my daughter's name is xxxxxx who is minor and aged about 14 and half years old. 2. That Kajal, the niece of the aforementioned accused Rajiv, and my daughter xxxxx are friends, and as such, visit each other's home and play together. My daughter xxxxx also calls the aforementioned accused



"uncle" (Chacha) 3. That on 10-11-2024 at around 10 o'clock, my daughter xxxxxx and the accused's niece Kajal were playing on the terrace of Kajal's house and the above-mentioned accused was there at ground floor and there was no other person in their house and accused person called out to my daughter xxxxx while she was playing and asked her to come down and my daughter xxxxx asked that tell uncle, what is the matter? The accused took my daughter xxxxx inside the room and pushed her on the bed and beat her and tried to force himself on my daughter and when my daughter tried to make noise, he closed her mouth with his hand and in the meantime, Kajal, the niece of the above-mentioned accused also came down and the above-mentioned accused opened the door and ran out when my daughter xxxxx shouted and while leaving, threatened my daughter that it would not be good if she told anyone about it and When I returned home after work in the evening, my daughter xxxxx was sitting at home in a frightened state. On my repeated asking, my daughter xxxxx told me above mentioned things and said that he had forbidden me from telling it at home and had threatened to kill me if I told it at home, due to which my daughter is very scared. Therefore, I request you sir to take legal action against the said Accused Rajiv alias Raju and file a case. And justice should be provided. So that no injustice is done to any daughter and no one is exploited. It will be your kindness sir. Thank you. Date 11-11-2024 Applicant xxxxx Wife of Suresh Kumar Caste Chamar resident Khanda Kheri tehsil Bass Hisar District 99915xxxx."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of the statement made by the mother of the prosecutrix, alleging commission of sexual assault upon the prosecutrix. It is submitted that the family of the petitioner and the complainant were previously acquainted, and owing to prior enmity and disputes, the instant FIR has been maliciously registered. It is further submitted that, as per the version recorded in the FIR, the prosecutrix had purportedly raised an alarm and managed to ran away, with no allegation of



penetration or commission of any aggravated offence being made. The material witnesses stand examined before the learned trial Court. It is further submitted that there exists no cogent evidence on record to substantiate the allegations leveled against the petitioner, who has already undergone an actual custody of 01 year 05 months and 07 days and has clean antecedents.

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. As per the previous custody certificate, the petitioner has undergone an actual custody of 1 year, 5 months and 7 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 02.09.2025 and out of a total of 16 prosecution witnesses, 2 have been examined. 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. 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 02.09.2025. Yet, only 2 out of 16 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 1 year, 5 months and 7 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, particularly when the material witnesses stand



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***.

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

April 22, 2026
Itihlesh

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