



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-58457-2025 (O&M)

Date of Decision: 05.02.2026

RAJ KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sleem Ahmed, Advocate for the complainant.

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.692 dated 29.08.2024 under Sections 140(3), 351(3) of BNS and Section 4 of POCSO Act, registered at Police Station Sector-58, District Faridabad.

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

“To, The Chowki Incharge Sikrona Faridabad Sir, I request that I, Nemchand, son of Vijay Singh, resident of Karnera, Shiv Mandir Gali, Police Station SEC 58, Faridabad, am a turner. I have three children, one boy and two girls. Today, on 29.08.2024, my younger daughter, XXXXX age about 15 years old, who studies in class 9 at Navnyam International School, Balaji Colony, Karnera, and she left home for school at around 7.30 am. When my daughter XXXXX did not reach school, then my son Ashutosh received information from the school's principal sir on his phone that the parents had called for their daughter but my daughter XXXXX had not reached school. My son told us about this, so we inquired from all our relatives and neighbours on our own but could not get any clue. I was coming to the police post to submit an application now I met you. I have submitted the application of my daughter's disappearance to you. You are requested to get recovered my daughter. Applicant Sd/- Nemchand Nemchand son of Vijay Singh Mob. 98994Xxxx Dt. 29.08.2024.”



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 father of the prosecutrix, who had initially only reported the prosecutrix as missing. It is submitted that as per the statement of the prosecutrix recorded under Section 183 BNSS, she had left her home on her own free will and volition. No overt allegations were levelled against the petitioner therein. Moreover, even the identity of the petitioner as the accused is disputed in the case. There is also no direct evidence on record that points towards the complicity of the petitioner. The material witness i.e. the complainant and the prosecutrix stand examined before the learned trial Court. He further submits that the petitioner, aged about 35 years, has already undergone an actual custody of 1 year, 2 months and 23 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 year, 2 months and 23 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 19.04.2025 and out of a total of 22 prosecution witnesses, 6 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. Admittedly, the charges were framed on 19.04.2025 and out of



petitioner has undergone actual custody of 1 year, 2 months and 23 days, and there is no other criminal case registered against him. 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 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

February 05, 2026
Ithlesh

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