



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

**(122)****CRM-M-63521-2025 (O&M)****Date of Decision: 01.04.2026**

GULAB ANSARI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Ms. Pooja Jaglan, Advocate  
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Ms. Bhumika Khatri, Advocate for  
Mr. Sunil Kumar Dhanda, Advocate  
for the complainant.

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**KIRTI SINGH, J. (ORAL)**

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 231 dated 29.06.2024 under Sections 365, 376(2)(n), 384, 506 of IPC and Section 6 of POCSO Act, registered at Police Station Tehsil Camp, Panipat.

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

*“To SHO Tehsil Camp, it is submitted that I Bobby S/o Dhaniram R/o Wadhawa Ram Colony near Parshuram Mandir Panipat am resident of the said place. I have 2 sons and I daughter. My eldest daughter is xxxx whose age is about 15-16 years who today at about 11 a.m. went somewhere from home without informing anyone. Her description is as follows: colour whiteish, round face, strong body, height about 5 feet, wearing light black colour suit. Kindly search for her. Thank you. Sd/- Bobby 999636xxxx, 981350xxxx.”*

3. Learned counsel for the petitioner submits that the present FIR was initially registered as a missing person complaint on the statement of the father of the prosecutrix. The petitioner, aged 24 years, was not named



therein. It was only subsequently that the allegations of sexual assault upon the prosecutrix were introduced. It is submitted that there exist material contradictions between the statement of prosecutrix recorded under Section 164 Cr.P.C., and her deposition before the learned trial Court, thereby creating serious doubt regarding the case of the prosecution. Learned counsel also submits that, as per the FSL report, no semen was detected on the exhibits of the prosecutrix. It is further submitted that, there is no cogent evidence on record to substantiate the allegations leveled against the petitioner. Learned counsel submits that the petitioner has already undergone an actual custody period of 01 year 08 months and 23 days and has clean antecedents.

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 01 year 08 months and 23 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 13.11.2024 and out of total 19 prosecution witnesses, only 01 i.e. the victim has been examined till date. 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 further, 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."*

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 13.11.2024. Yet only 01 out of 19 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the trial has already been underway since long, and the conclusion thereof may not be imminent. The petitioner has already remained in actual custody for a period of 01 year 08 months and 23 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 witness i.e. the victim stands 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.

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

**(KIRTI SINGH)**  
**JUDGE**

**April 01, 2026**

*Ritika*

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