



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

CRM-M-64998-2025 (O&M)

Reserved on : 09.02.2026

Pronounced on : 18.02.2026

Suman Lata

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Gurmohan Singh Bedi, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

Dr. Anand Kumar Bishnoi, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No.109 dated 13.03.2025 under Sections 6 and 10 of Protection of Children from Sexual Offences, Police Station Dharuhera, District Rewari.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Amit Khurana', hereinafter being referred to as 'complainant' only, (father of victim boy). It was stated by the abovesaid complainant that his son, namely Shonak Khurana, who was a minor at the relevant time, having date of birth as 01.03.2007, and was a student of Class XII, was being taught by the petitioner, in capacity of his class teacher. As per allegations, the petitioner allegedly called the victim to



her residence on the pretext of academic work and by misusing his dominant position established physical relations with him. It was further stated by the complainant that in June 2024, the petitioner took the victim to 'Sai Hotel Dharuhera', where she again established physical relations with him. According to complainant, on several other occasions also, physical relations were established by the petitioner with the victim.

3. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

4. Arguments addressed on behalf of all the parties have been heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner, in order to implicate the petitioner in a false case, false evidence has been created by the complainant and the same is reflected from the fact that the photographs showing the involvement of petitioner with the complainant were seized by the Investigating Agency, but the abovementioned photographs, when examined by the Forensic Science Laboratory, have been found to be generated/created by using an Application. According to learned counsel for the petitioner, the photographs being relied upon by the complainant/ Investigating Agency have been tampered with and therefore, no reliance can be placed thereupon.



6. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has no criminal antecedents, and that he has already suffered prolonged incarceration for being in custody for a period of approximately eight months. According to learned counsel for the petitioner, the trial is taking place at a slow pace, as so far only two prosecution witnesses have been examined by the prosecution. As per learned counsel for the petitioner there is a strong likelihood of delay in trial as after examination of two witnesses, an application for permission to further investigate the case has been moved. As per learned counsel for the petitioner, such an application will definitely result into delay in trial.

7. It has also been contended by learned counsel for the petitioner that otherwise also, the statement of victim as well as complainant have already been recorded in the present case, and therefore, in case of release of petitioner on bail, there is no chance that the petitioner will be in a position to influence the witnesses or tamper with the evidence. While claiming that being a lady the petitioner deserves a considerate view, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.

8. The learned State Counsel being assisted by learned counsel for the complainant has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that in the present case the allegations against the petitioner are very serious, direct and that the abovementioned allegations are duly supported and corroborated by independent evidence, such as photographs and CCTV footage etc.



9. According to learned counsel for the complainant, the family of petitioner is otherwise pressurizing the complainant and his son not to support the prosecution case, and if released on bail, the petitioner, too will indulge in the same activity. In this regard, the learned counsel for the complainant has even referred to the incident, wherein the victim was thrashed by the husband of petitioner. In addition to above, the learned counsel for the complainant has also contended that allegations against the petitioner are for the commission of offence of serious nature, and therefore, in view of gravity of offence also, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- (i) that the petitioner has already suffered incarceration for a period of more than seven months;
- (ii) that the petitioner being female deserves a considerate view;
- (iii) that the investigation in this case is already complete, and therefore, nothing is left to be recovered from the possession of petitioner;
- (iv) that as per custody certificate, the petitioner has clean antecedents;
- (v) that the statement of material witnesses, i.e. victim and the complainant, have already been recorded;



- (vi) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions



rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and



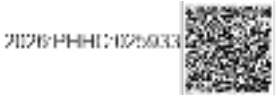
for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that 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 to disclose such facts to the Court or to any other authority.



- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial;
- (iii) that the petitioner shall not leave India without prior permission of the trial Court; and
- (iv) that the petitioner shall not establish any contact in any manner with the victim and will not try to influence him or his family members.

(SURYA PARTAP SINGH)
JUDGE

18.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No