



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

(108)

**CRM-M-67351-2025
Date of Decision: 30.04.2026**

MANISH

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Kumar Rana, Advocate and
Mr. Vikas Kumar Rana, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

None for respondent No.2.

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. 269 dated 04.06.2024 under Sections 366A of IPC and Sections 4, 17 of POCSO Act), registered at Police Station Dabua, District Faridabad (Annexure P-1).

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

“To, SHO, P.S. DABUA, FARIDABAD, R/Sir, It is stated that, I, xxxx D/o Netrpal R/o Near Shiv Shakti Mandir Gazipur Road, VIP Medical Store, Dabua, I have 5 children, 4 girls and 1 boy, xxxx is my 3rd Child, who is aged about 14 years, on 03.06.2024-04.06.2024 around 12:00 AM, Manish S/o Titu R/o near Army School, Dabua, Faridabad took my daughter by luring her to street near Hawani Garden. I got a call around 03:00 AM from a Ph. No. 7484858682 on my Mob. No. 989177xxxx, on which the caller told that he is speaking from near Hawani garden and my daughter xxxx is crying standing there, on which, I quickly reached Hawani Garden with the help of my neighbors and asked my daughter xxxx the reason of her crying but that time she was under fear and did not tell anything but in the afternoon of the same day, on my repeatedly asking my daughter said that Manish S/o Titu R/o near Army School, Dabua Faridabad has raped my daughter. Legal action should be taken against Manish. Thumb



Impression- (xxxx) Applicant xxxx W/o Netrpal, Dated- 04.06.2024, Mob. No. 989177xxxx."

3. As per office report, notice issued to respondent No.2 received back served, however, none has put in appearance on behalf of respondent No.2.

4. Learned counsel for the petitioner submits that the petitioner, aged 18 years, has been falsely implicated in the present case on the basis of the statement made by the mother of the prosecutrix, alleging that he had committed wrongful acts upon her. It is submitted that the petitioner and the prosecutrix were well acquainted with each other, having come into contact through Instagram. It is submitted that there is no cogent evidence on record that points towards the complicity of the petitioner. Moreover, even the prosecutrix in her testimony before the learned Trial Court, has not supported the prosecution case and has been declared hostile. Furthermore, the complainant, in her affidavit dated 03.07.2025, has also admitted that the FIR was lodged under a misunderstanding, and that no such incident had occurred. Reliance in this regard is placed on the testimony of the prosecutrix as well as affidavit of the complainant annexed as Annexures P-2 & P-3. It is further submitted that co-accused Vishal has already been granted bail by a Coordinate Bench of this Court vide order dated 28.10.2025 in CRR-2544-2024. The petitioner, who has clean antecedents, has already undergone an actual custody period of 01 year 10 months and 10 days.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel states that the petitioner was actively involved in the commission of the offence. Learned State counsel 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 10 months and 10 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 01.08.2025 and out of total 24 prosecution witnesses, only 02 have been examined till date. Learned State counsel submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. 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."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 01.08.2025. Yet only 02 out of 24 cited prosecution witnesses have been examined. The pace of the proceedings, thus,



indicates that the conclusion is not imminent. The petitioner has already remained in actual custody for a period of 01 year 10 months and 10 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

9. 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.

10. 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. Moreover, it is noted that the prosecutrix during the course of her examination before the trial Court, did not support the prosecution version and has been declared hostile. While it is settled that the probative value of such testimony is a matter for appreciation at the stage of final adjudication of the case, yet, even while refraining from entering into any conclusive evaluation thereof, this factum cannot be completely overlooked. 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*.

11. 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.

12. 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.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present matter, and must not be construed as a final expression of opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

April 30, 2026
Ritika

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