



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

(143)

CRM-M-69665-2025 (O&M)

Date of Decision: 25.03.2026

RANDHIR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Charu Sharma, Advocate,
Mr. Gaurav Grover, Advocate and
Mr. Himanshu Grover, Advocate Advocate for the petitioner.

Ms. Saumya Ahluwalia, Senior 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.82 dated 29.06.2025 under Sections 351(2) and 75(2) of BNS and Section 8 of POCSO Act, registered at Police Station Bond Kalan, District Charkhi Dadri.

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

“Respected SHO Sir, Police station Bond Kallan to take legal action. Respected Sir, it is prayed that I xxxxx W/o Vikas Village Bond Kallan District Charkhi Dadri. I have two daughters and a son and my elder daughter xxxx is of 6 years of age. In my neighbourhood a shopkeeper Randhir S/o Shyamlal Village Bond Kallan has a kiriyana shop, my daughter xxxxx went to the shop to get something at around 2.30 PM to 3.00 PM and Randhir found out that my daughter is alone and with bad intention he molest my daughter and he bite my daughters face. My daughter told me about this incident when she reached home then me and my husband went to talk to him at his shop, he abused us and threaten to kill us. Strict action should be taken against Randhir.”

3. Learned counsel for the petitioner *inter alia* submits that the 50 year old petitioner, who is running a karyana shop, has been falsely implicated in the instant case on the statement of the complainant/mother of the prosecutrix, due to prior animosity, being residents of the same colony.



It is submitted that there is no cogent evidence on record, be it corroboration by way of any CCTV footage or the statement of any independent witness, to substantiate the allegations of indecent acts, as levelled against the petitioner. Moreover, even the allegation of biting the cheek of the minor prosecutrix stands falsified from the perusal of the MLR of the prosecutrix, as per which no external injury was found present on her face. Learned counsel submits that the petitioner has already undergone an actual custody of 08 months and 11 days. There is no other case against him 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. She 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 08 months and 11 days. Investigation is complete. Learned State counsel submits that the charges have been framed on 20.02.2026 and out of a total of 11 prosecution witnesses, 02 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. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the evidence, must take into consideration the nature of the offence, severity of the punishment and prima facie, the involvement of the accused and the material on record.

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 20.02.2026. Yet, only 02 out of 11 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 08 months and 11 days.

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, particularly when the material witnesses stand examined. Prima facie, there is also no cogent medical evidence on record to corroborate the allegations. Therefore, upon taking into account all the considerations stated herein-before, 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. 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.

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. 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.

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

(KIRTI SINGH)
JUDGE

March 25, 2026
SwarnjitS

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