

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

(116)

CRM-M-70207-2025 (O&M)**Date of Decision: 04.05.2026**

ROHIT

.....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Chetan Juneja, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

Mr. Diman S. Adlakha, Advocate
for respondent No.2.

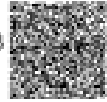
KIRTI SINGH, J. (ORAL)

1. Mr. Diman S. Adlakha, Advocate puts in appearance on behalf of respondent No.2 and files his memorandum of appearance, which is taken on record.

2. This is the third petition filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No.54 dated 12.03.2024 under Sections 376(3), 450 and 506 of IPC and Section 6 of POCSO Act, registered at Police Station Matlauda, District Panipat. The first two petitions were dismissed as withdrawn vide orders dated 12.11.2024 and 07.08.2025 respectively passed by this Court.

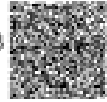
3. The translated version of the FIR is reproduced below:-

“To, Hon'ble SHO Sahib, Police Station Matlauda, Panipat. Subject: Humble submission is that I am resident of District Panipat and I am having four children, of them two elder daughters and two younger sons, aged about 10 years. Sir, on dated 11.3.2024, there being occasion of marriage in our family, we were on shop till late night and meantime, at



about 10 O'clock, in night, Rohit resident of Darondi, District Jind, taking advantage of opportunity, came to house and forcibly developed relations with my elder daughter, who is minor in age and my daughter was threatened that if you shall make endeavour to disclose any one, then, I will kill your family members and being afraid of that my daughter had not disclosed anything to family members. Again, on dated 12.3.24, when my daughter returned after appearing in exam, then also relations were developed forcibly. Sir, when I came from my shop for going to washroom, then, on hearing noise being coming from room, then, I got opened the door and then, Rohit was committing rape upon my daughter forcibly and on my raising alarm, my mother-in-law came upstairs. When we both tried to catch hold of them, then, he fled away by pushing us and asserted that I will kill all of you. He also stated that if you will disclose to anyone then, consequences shall not be good. I, being perplexed, made phone call to my husband Satish Kumar, who is serving in Delhi. While fleeing away, mobile (i-phone) of Rohit, Clothes and shoes also left at our house. My husband, on arrival, made call on dial 112 and reported the entire matter to police. Therefore, it is request to your goodself that by initiation of stem action against the aforesaid accused, justice may be got imparted to myself and my daughter”

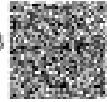
4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement of the mother of the prosecutrix, wherein she alleged that the petitioner developed forceful physical relations with her minor daughter. The true factual matrix is that the petitioner and the prosecutrix were well acquainted with each other, which fact was also admitted by the prosecutrix in her testimony, copy of which is annexed at Annexure P-9. However, when the said fact came to the knowledge of the complainant, the present FIR was got registered by levelling sweeping and baseless allegations, that too after an unexplained delay of about 24 hours from the time of the alleged incident. The absence of any injuries, as per the MLR of the prosecutrix, further falsifies the allegation with respect to forceful sexual assault. Moreover, the statements of the material witnesses, who stand examined before the learned trial Court, suffer from material infirmities and inconsistencies. It is submitted that the petitioner, now aged about 22 years, has already



undergone an actual custody of 2 years, 1 month and 9 days. There is no other case registered against him.

5. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 have 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. 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 2 years, 1 month and 9 days. The learned State counsel, on instructions from the concerned official, submits that in the present case, charges were framed on 28.05.2024 and out of total 22 prosecution witnesses, 15 have been examined till date. There is a DNA report which corroborates the allegations leveled against the petitioner. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Learned counsel for the petitioner submits that the DNA match is not conclusive proof of guilt regarding the commission of rape, and is merely corroborative in nature. It cannot, by itself, establish culpability nor cure the inherent infirmities and inconsistencies in the prosecution case. In support of his submissions, learned counsel relies upon the judgments passed by this Court i.e. (1) ***Gagandeep Singh Versus State of Punjab in CRM-M-31764 of 2022*** and (2) ***Sahil @ Saili Versus State of Punjab and others in CRM-M-27062 of 2020 (O&M)***. He has also placed reliance upon the judgment of Hon'ble Supreme Court in ***The State of Uttar Pradesh Versus Anurudh and others in CA No.163 of 2026***.



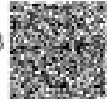
7. Heard the rival submissions made by learned counsel for the parties.

8. 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."

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 28.05.2024. At this stage, 7 out of 22 cited prosecution witnesses are yet to be 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 2 years, 1

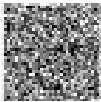


month and 9 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

10. 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.

11. 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. 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.***

12. 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.

13. 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.

14. 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.

Miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

May 04, 2026
Ithlesh

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