



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

(119)

CRM-M-70947-2025**Date of Decision: 26.05.2026**

RAHUL

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Brijesh Sharma, AAG, Haryana.

None for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 483 of BNSS (erstwhile Section 439 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No. 01 dated 01.01.2024, under Sections 365 of IPC (lateron deleted Section 365 of IPC and added Sections 363, 366, 376(2), 506 of IPC and Section 6 of POCSO Act), registered at Police Station Old Industrial, District Panipat (Annexure P-1). The first bail petition was dismissed as withdrawn on 03.09.2025.

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

“To The SHO Sahab Ji, Police Station Old Industrial Panipat. Sir, I request that I, xxxx wife of Madan, am resident of Jatal Road, Shondapur, Government Diary, Panipat. My daughter named xxxx went somewhere on 29.12.2023 at around 1 pm without informing me. I searched for her everywhere. Today on 01.01.2024, I have come to the police station and submitted an application, the details of whom are as follows: Complexion wheatest, height 5 feet, age 14 years 7 months, green color suit-salwar, wearing slippers on feet. I request you to search for my daughter xxxx. I will be highly grateful to you. Dated on 01.01.2074 R.T.I. Kaushal, MOB 720677xxxx.”

3. Learned counsel for the petitioner *inter alia* submits that the instant FIR was initially registered on missing complaint made by the mother



of the prosecutrix, that too after a delay of about three days. It is contended that the petitioner, a young man aged about 22 years, has been falsely implicated in the instant case subsequently, on the allegation that he enticed away the minor prosecutrix and subjected her to sexual assault. However, there is no cogent evidence on record to substantiate the said allegations. The true factual matrix is that the prosecutrix, age of whom is a disputed question of fact, had left her home on her own will, whereafter, she voluntarily accompanied the petitioner to Ludhiana and remained there with him for a period of about 6–7 months. During this period, no alarm or grievance was raised by the prosecutrix at any point. It is submitted that the petitioner has already remained in custody for a period of 01 year 10 months and 19 days.

4. *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 19 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 19.10.2024 and out of total 22 prosecution witnesses, 04 have been examined till date. Moreover, one other criminal case besides the present FIR has been registered against the petitioner, in which he is on bail. Learned State counsel submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.



5. There is no appearance on behalf of respondent No.2. Perusal of the case file reveals that on the previous date of hearing also i.e. 12.05.2026, none has put in appearance on behalf of respondent No.2.

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 19.10.2024. Yet only 04 out of 22 cited prosecution witnesses has 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 19 days.

9. As regards the submission of learned State counsel that petitioner is involved in 01 more criminal case, it has been held by the Hon'ble Supreme



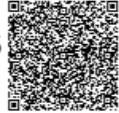
Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012***

(2) SCC 382 that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other case(s). The relevant portion of the said judgment is reproduced herein-below:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

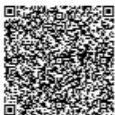


Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed 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.

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

(KIRTI SINGH)
JUDGE

May 26, 2026

Ritika

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>