



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

(149)

CRM-M-72594-2025**Date of Decision: 12.03.2026**

UDAY ALIAS CHINTU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

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. 334 dated 30.08.2025 under Section 12 of POCSO Act and Sections 238(a), 351(2) of BNS, registered at Police Station Madhuban, District Karnal (Annexure P-1).

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

"Copy of complaint is attached, To, Hon'ble Superintendent of Police, Karnal. Subject: Application against 1. Chintu son of Shri Sukhbir Singh, caste Pasi, resident of village Singhara. Tehsil Nising. District Karnal. Mobile No. 70567-4xxxx Sir, 1. It is requested that I am Vikas son of Sh. Gulab Singh, permanent resident of village Kakrala, Police Station Madhuban, District Karnal. I am a peace loving and law abiding citizen. xxxx is my daughter, who is a minor. 2. That my daughter xxxx was studying in a school in Karnal. During this time, the above-mentioned accused Chintu used to follow my daughter and tried to talk to her forcefully. But my daughter did not want to talk to the above-mentioned accused. However, the above-mentioned accused continued to harass my daughter in this manner for a long time. When my daughter became very upset with the above-mentioned accused, my daughter asked the above-mentioned accused, "What do you want from me?" The accused replied, "I want to talk to you." In this way, the above-mentioned accused started talking to my daughter forcefully and kept asking her to meet him. But my daughter clearly refused to do so. The above



mentioned culprit also tried to establish an forcible relationship with my daughter by forcing her. 3. That during this time the culprit clicked a photo of my daughter in his mobile phone, which is still with the culprit. When my daughter told about the above incident at home, we were forced to take our daughter out of school and my daughter started staying at home. 4. That after this, when I arranged a marriage for my daughter somewhere, the above mentioned accused called there and got my daughter's alliance broken and publicly threatened the other side and said that she has to marry me. Whereas we do not want our daughter's relationship/marriage with this boy. 5. That after this, when I arranged my daughter's marriage elsewhere, the accused threatened me over the phone, saying that the girl was to be married to him. He threatened to have me killed if I entered into a relationship with her, and that if she doesn't become his, he won't let her become anyone else's. 6. That the accused is repeatedly threatening us with photographs of my daughter, claiming he will expose her to the entire community. He has harassed us immensely. He threatens to kill us if we oppose him. 7. That, out of fear of the accused, I left my daughter with a relative in village Katchwa. The accused arrived there and attempted to forcibly abduct the girl. 8. That the aforementioned accused is causing us considerable social disrepute. However, the accused is roaming fearlessly. He is bent on ruining my daughter's life. If timely action is not taken, he could cause something wrong to my daughter, as he has been threatening to abduct her again. This incident has been ongoing since March 01, 2025. Therefore, I request you to take the strict legal action against the above named accused and to ensure justice for me and my daughter. I shall be highly thankful to you. Date Sd/-Vikas Applicant Vikas son of Sh. Gulab Singh. resident of village Kakrala, Police Station Madhuban, District Karnal Mobile No. 81685-1389 Police Proceedings”

3. Status report by way of affidavit of Manoj Kumar, HPS, Deputy Superintendent of Police, Gharaunda (Karnal) has been filed by the State in the registry, which is taken on record.

4. Learned counsel for the petitioner submits that the petitioner, aged 20 years, has been falsely implicated in the present case on the statement made by the father of the prosecutrix, alleging that the petitioner used to tease and follow his daughter, and threatened to circulate her objectionable photographs on social media. It is contended that the petitioner never initiated contact with the prosecutrix; rather, the initial approach was made by the prosecutrix herself through her father's Instagram. It is further submitted that



friendship, initiated and continued at the instance of the prosecutrix, and does not disclose any element of coercion, inducement or harassment on the part of the petitioner. Reliance in this regard is placed upon the Instagram chats exchanged between the petitioner and the prosecutrix, annexed as Annexure P-2. Moreover, the petitioner neither clicked nor possessed any objectionable photographs of the prosecutrix, therefore, the question of threatening to circulate the same does not arise. It is further submitted that the prosecution version suffers from inherent contradictions, inasmuch as the complainant alleges the prosecutrix to be a minor aged 16 years, while simultaneously claiming to have arranged her matrimonial alliance. It is submitted that there is no cogent evidence on record against the petitioner that could establish his guilt beyond the shadow of reasonable doubt. Learned counsel submits that the petitioner has already undergone an actual custody period of 06 months and 10 days and has clean antecedents.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He 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 06 months and 10 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 19.01.2026 and out of total 18 prosecution witnesses, only the victim has been examined till date. He 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.

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 19.01.2026. Yet only 01 out of 20 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 06 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, particularly when the material witness i.e. the victim stands 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***.

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 bail petition, 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

March 12, 2026
Ritika

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