



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-72689-2025 (O&M)

Date of Decision: 10.02.2026

RAVINDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

Mr. Anupal Singh Tanwar, Advocate puts in appearance on behalf of the complainant and files his memorandum of appearance, which is taken on record.

2. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.486 dated 21.09.2025 under Sections 75(2), 96, 137(2) & 3(5) of BNS and Section 10 of POCSO Act, registered at Police Station Bhiwani Sadar, District Bhiwani.

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

“Statement of xxxx wife of Ravinder, resident of Village Kharak Kalan, District Bhiwani. Stated that I am resident of Village Kharak Kalan. I have three daughters, elder daughter is xxxx, aged 9 years, date of birth is 09.01.2015 and she is minor. On my daughter feelings stomachache, I enquired from my daughter xxxxxx and she told that on 10.08.2024 when he sent her at 6 pm in the evening to the shop of bringing some item then Devinder son of Sunder Lal, resident of Village Kharak Kalan who was sitting in the shop, took my minor



daughter to the other shop and after closing the door of the shop, he has done wrong act with her. My daughter has disclosed that Devinder removed her pant and done wrong act with xxxxx by backside and when I enquired from my daughter, then she disclosed entire thing. I want to take legal action against Devinder so that my daughter can get justice. Sd/ xxxx, Mahi 98138xxxxx.”

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case. It is submitted that in fact daughter of the petitioner was subjected to sexual assault by the relative of the complainant and in this regard FIR No.450 dated 14.08.2024, was lodged under Section 6 of POCSO Act and Section 65(2) of BNS, and the petitioner has been involved in the present FIR as a counterblast to this FIR. There are material contradictions in the statements of the prosecutrix, as initially they had stated that only one person was involved in the alleged offence, but in their statement recorded under Section 183 BNSS, it is stated that two persons were there. He further submits that the petitioner, aged about 37 years, has already undergone an actual custody of 4 months and 17 days. There is no other case registered against him.

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 4 months and 17 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 10.12.2025 and out of a total of 25 prosecution witnesses, 2 have been examined. 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.

7. Admittedly, the charges were framed on 10.12.2025 and out of total 25 prosecution witnesses, only 2 have been examined till date i.e. the material witnesses. The petitioner has undergone actual custody of 4 months and 17 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

8. 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.

9. 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.

10. 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.

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

(KIRTI SINGH)
JUDGE

February 10, 2026
Ithlesh

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