



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(174)

CRM-M-73734-2025 (O&M)

Date of Decision: 23.02.2026

FARUKH KHAN

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pradeep Panwar, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Deepak Malik, Advocate for
Mr. Vishal Malik, Advocate
for respondent Nos.2 and 3.

KIRTI SINGH, J. (ORAL)

CRM-6956-2026

Allowed as prayed for subject to all just exceptions. Annexures P-6
and P-7 taken on record.

CRM-6863-2026

The instant application has been filed seeking preponement of
the date of hearing in the main case, which is stated to be pending for
16.03.2026.

For the reasons mentioned in the application, the same is
allowed and the main case is preponed from 16.03.2026 to today itself.

Main case

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.768



dated 21.09.2023 under Sections 365, 376(2)(n) of IPC and Section 6 of POCSO Act, registered at Police Station Karnal City, District Karnal.

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

“The copy of the application is as follows: To SHO sahib ji, city police station, Karnal. Sir, the request is that I am xxxx wife of Sh. Vinod resident of street no. Mangal Colony, today on 21.09.2023 at my daughter xxxx with xxxx and xxxx along with their friend, went from my house on the pretext of work, who has not returned till now. Both xxxx and xxxx have returned but my daughter has not returned. We are searching for her. xxxx, application 70560xxxxx, at this time, I Resident of 30, Vijay Kumar, am present at the police station, that an article written against the above xxxxx, name and address unknown, regarding the complainant's daughter, age 16 years, going away from home without informing, was presented on the application.”

3. Learned counsel for the petitioner *inter alia* submits that the 22 year old petitioner has been falsely implicated in the instant case, which was initially registered as a missing complaint filed by the mother of the prosecutrix. It is submitted that the prosecutrix, who at the time of the alleged incident was well over 16 years of age, was in fact well known to the petitioner. It is further submitted that the prosecutrix had in fact left the custody of her parents on her own wish. There was no element of pressure or coercion at the end of the petitioner. In fact, the parties had even solemnized marriage subsequently, and even have a child from their relationship. It is submitted that since there was approval-of-fact though not consent-in-law in the present case, as per the own admission of the prosecutrix, and the age difference between the parties is also minimal, a lenient view may be taken towards the petitioner. Moreover, the prosecutrix and the complainant have been examined before the learned trial Court, wherebefore they have not supported the case of the prosecution. Reliance in this regard is placed on Annexures P-6 and P-7. Learned counsel further submits that the petitioner



has already undergone an actual custody of 4 months and 13 days. There is no other case registered against him.

4. *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 13 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 06.12.2025 and out of a total of 18 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.

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

6. 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. In cases like the present one, factors which warrant consideration of the Court also include, but are not limited to the age of the prosecutrix and its difference from the age of the petitioner, so as to also determine the element of perversion; and the arguments raised, particularly with respect to the contents of the statements made by the prosecutrix.

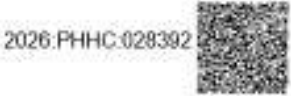
7. Reverting to the case in hand, admittedly, the charges were framed on 06.12.2025 and out of total 18 prosecution witnesses, only 2 have been examined till date, both of whom are material witnesses, and who have



actual custody of 4 months and 13 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 23, 2026
Ithlesh

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