



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222)

CRM-M-746-2026 (O&M)

Date of Decision: 04.02.2026

SAHIL

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jaswinder Singh Rana, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (ORAL)

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.707 dated 28.12.2024 under Sections 65(1), 137(2) and 87 of BNS and Section 4 of POCSO Act, registered at Police Station Sector 32-33, Karnal, District Karnal.

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

“Contents of the complaint To SHO Sahib Police Station 32-33 Karnal. Subject Complaint regarding missing of girl. Sir it is submitted that the applicant Rinku son of Nafe Singh resident of Village Shekhupura Distt Karnal and is moving the application. Today my daughter namely xxxxx, who is studying in Chander Shekhar Azad School Vikas Nagar Karnal. She today afternoon has not reached to her house. It is therefore prayed that kindly search of her may be carried out, I shall be highly obliged. Sd/-Rinku Applicant Rinku son of Nafe Singh resident of Village Shekhupura Distt Karnal M.No.98132 xxxxx, Ravi uncle 90504xxxxx dated 28.12.2024 the description of the girl, name of the girl xxxxx Father Rinku village Shekhupura aged about 15 years wearing Pant Navy, blue shoes, black colour sweat shirt and on the back the name of



school has written. Chandder Shekhar Azad Senior Secondary School Karnal written in white colour at present registered. I LP/SI Poon am presented at Police Station, written complaint of Rinku son of Nafe Singh resident of Village Shekhupura Karnal against unknown person regarding missing of his daughter Vanshika from Vikas Nagar Karnal has received at Police Station and from the contents of the application offence u/s 140 (3) of BNSAct has been found to be made, therefore FIR No.707 dated 28.12.2024 u/s 140(3) of BNS has registered at Pollice Station 32-33 Karnal.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case on the statement of the father of the prosecutrix, who had initially only reported the prosecutrix as missing. It is submitted that in fact the petitioner and the prosecutrix are known to each other. As per the statement of the prosecutrix recorded under Section 183 BNSS, she had left her home on her own free will. No overt allegations were levelled against the petitioner therein. The material witness i.e. the prosecutrix stands examined before the learned trial Court. He further submits that the petitioner, aged about 21 years, has already undergone an actual custody of 1 year and 26 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 1 year and 26 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 06.08.2025 and out of a total of 21 prosecution witnesses, one has been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

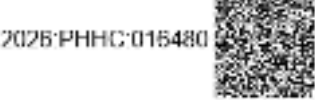


5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges were framed on 06.08.2025 and out of total 21 prosecution witnesses, only one has been examined till date. The petitioner has undergone actual custody of 1 year and 26 days, and there is no other criminal case registered against him. The prosecutrix stands examined before the learned trial Court. 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.**

7. 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.

8. 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.

9. 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.

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

(KIRTI SINGH)
JUDGE

February 04, 2026
Ithlesh

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