



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

(110)

**CRM-M-41371-2025 (O&M)
Date of Decision: 23.4.2026**

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 296 dated 29.7.2024 under Sections 65(1), 3(5), 115(2), 351(2) of BNS (Section 238 of BNS added later on) and Section 6 of the POCSO Act, registered at Police Station Agroha, Hisar..

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

"Statement of "N", Daughter of Pawan, Resident of Village Kirmara, District Hisar, Age 15 Years, Mobile Number: 99925-xxxxx Stated that I am a resident of the above-mentioned address. I study in Class 10 at the Government School in the village. My mother and father are laborers. We are two siblings. About a month ago, Rahul, resident of Village Masoodpur, District Hisar, who is my village Instagram ID nephew, messaged me on my "Masoomjaan55" from the ID named "Jaani Bagri." Then, one day, we had a conversation, and on the same day, he called me on phone, and we had a normal conversation. Then today, dated 29.07.2024, at around 11:00 AM, I, along with my aunt Manjeet, my two sisters, and two brothers, went to the Kirmara temple. There, Rahul, Monu both residents of Masoodpur, and his maternal uncle's son Ankush



son of Sajjan resident of Kirmara, were standing. Ankush had called the two boys and told them to follow me and gave all information about my arrival at the temple to Rahul and Monu. When I went alone in the temple to drink water, Rahul came to me and said, "Come with me, otherwise I will pick you up from your house and if you don't come, I will kill you." I got scared, and then Rahul took me outside from the back gate of the temple. Outside, Monu was standing with a motorcycle, and they took me on the motorcycle to Hotel The 29 in Agroha. Then Rahul told me to sign using the name "Pooja" and gave someone's ID named "Pooja" at the hotel, and I signed using the name "Pooja." He took me to the room and in the room, against my will, he raped me. Then both of them dropped me back on the motorcycle near Kirmara temple and left. There my family members arrived. I told everything to my aunt. After that, all my family members arrived there and brought me to the police station. Legal action should be taken against Rahul, Monu, and Ankush. I have recorded my statement, heard and is correct."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 22 years, has been falsely implicated in the instant case on the statement of the prosecutrix. It is submitted that in fact the petitioner and the prosecutrix were well acquainted with each other. The said fact can be evinced from the photographs annexed at Annexure P-2. It is submitted that there is no cogent evidence on record that points towards the complicity of the petitioner. The adverse statement of the prosecutrix, which even otherwise suffer from material infirmities, have been made under family pressure. Rather, her successive statements patently showcase material improvements in the allegations. He further submits that the material witness stands examined before the learned trial Court. The petitioner has undergone an actual custody of 01 year, 07 months and 28 days and there is no other criminal case registered against him.



4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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, 07 months and 28 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 03.4.2025 and out of total 21 prosecution witnesses, 01 has been examined till date. Moreover, DNA report has been received from the FSL concerned as per which the DNA profile obtained from the relevant samples matches with the DNA profile of the petitioner. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Learned counsel for the petitioner submits that the DNA match is not conclusive proof of guilt and is merely corroborative in nature. It cannot, by itself, establish culpability nor cure the inherent infirmities and inconsistencies in the prosecution case. In support of his submissions, learned counsel relies upon the judgments passed by this Court i.e. (1) ***Gagandeep Singh Versus State of Punjab in CRM-M-31764 of 2022*** and (2) ***Sahil @ Saili Versus State of Punjab and others in CRM-M-27062 of 2020 (O&M)***. He has also placed reliance upon the judgment of Hon'ble Supreme Court in ***The State of Uttar Pradesh Versus Anurudh and others in CA No.163 of 2026***.

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

7. 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.

8. Before proceeding, a gainful reference can 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."

9. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 03.4.2025. Yet, only 01 out of 21 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 01 year, 07 months and 28 days. It is also not disputed that he has no criminal antecedents and is not



involved in any other case.

10. While the truthfulness or otherwise of the allegations levelled against him 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 witness 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.***

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

April 23rd, 2026
Gurpreet Singh

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