



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

CRM-M-17070-2026

Date of decision: 14th July, 2026

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Shubham Kaushik, Advocate for the petitioner.
Mr. Armaan Dahiya, AAG Haryana for the respondent/State.
Mr. Mukesh Rao, Advocate for the complainant.

AARADHNA SAWHNEY, J.

1. This is third petition seeking relief of bail under Section 483 of BNSS filed by the petitioner, an accused in case FIR No.527 dated 04.05.2022 under Sections 323, 34, 354, 376, 376(2)(n) and 506 IPC (Section 354-D IPC added and Section 323 and 34 IPC deleted later on) registered at Police Station Sadar Hisar, District Hisar.

2. Relevant facts necessary for disposal of this petition are being taken from para No.2 of the Status report dated 24.04.2026 filed by way of affidavit of Mr. Mayank Mudgil, IPS, Asst. Superintendent of Police, Hisar, which is reproduced as under:-

“That the brief facts of the case are that the present case was registered on the complaint moved by complainant 'M' daughter of 'DS', resident of village 'S' to the effect that she was married to Kapil. She started living in her matrimonial home situated in a Dhani in the fields, where her in-laws family is

residing. Prosecutrix made these allegations that in December 2020 at about 3:00 P.M. she was alone at her matrimonial home when her brother in law/Nandoi) Anil had come from District Charkhi Dadri. Prosecutrix had gone in a room on the first floor of the house to serve tea to the Anil who was a guest. But Anil started molesting the Prosecutrix and had forcibly committed sexual intercourse with her without her consent and against her will. Anil threatened the Prosecutrix not to disclose such act to anyone otherwise he would defame Prosecutrix. It is further alleged that due to fear she remained mum. But it encouraged Anil who thereafter again committed rape with the Prosecutrix on one-two occasions by blackmailing her. Things did not end there. After some days Prosecutrix had gone to the fields to bring fodder. The petitioner/accused (father-in-law) asked the Prosecutrix about her sexual relations with co-accused Anil. Petitioner/accused told to the Prosecutrix that video movie of such act of the Prosecutrix was there. The petitioner/accused also raped the Prosecutrix and threatened her to remain silent otherwise her video movie would be shown to her parents. The petitioner/accused Kuldeep scared Prosecutrix that he was having original weapons and he will kill her. Prosecutrix further alleged that the petitioner used to rape her by blackmailing her. Prosecutrix ultimately fed up with above incidents, mustered courage and told above incidents to her husband Kapil and mother in law Sushila. But they had instead beaten the Prosecutrix by calling her that she was telling lie and was untrustworthy. They also threatened the Prosecutrix not to disclose such incidents to anyone. In the meanwhile Grandfather of the Prosecutrix died and she came at the house of her parents who after some days started saying to the Prosecutrix to go back to her in-laws. But Prosecutrix on one pretext or another tried to avoid going to the house of her in-

laws since Prosecutrix was under shock due to above incidents of rape with her at her matrimonial home. Prosecutrix even sometimes thought to commit suicide. Prosecutrix ultimately told above incidents to her parents who brought her to the Police Station for complaint. Therefore, the complainant requested that strict legal action should be sought against the accused persons.”

3. Consequent to the complaint made by the complainant, a formal case vide FIR No.527 dated 04.05.2022 came to be registered against the petitioner under Sections 323, 34, 354, 376, 376(2)(n) and 506 IPC (Section 354-D IPC added and Section 323 and 34 IPC deleted later on).

4. During the course of investigation, the place of occurrence was inspected by the Investigating Officer, who got prepared the scaled site plan. The victim was subjected to medico-legal examination at Civil Hospital on 6.5.2022. She was produced before the learned Illaqua Magistrate where her statement under Section 164 Cr.P.C./183 BNSS was recorded. In both the statements, she supported her first version given to the police authorities. The photographs of her marriage and her Bank account statement were also taken into possession by the Investigating Officer. Though in the FIR, allegations were levelled against two others, also namely, Sushila and Kapil, but after thorough investigation, the aforesaid two were found to be innocent. Accordingly, Section 323 IPC was deleted and challan was filed only against present petitioner Kuldeep and co-accused Anil. It also came to the notice of the Investigating Officer that on 13.6.2022, after the victim was returning home with her parents, the petitioner started chasing her.

Further, on 14.9.2022, he was taken in custody, but he fled from the hospital and accordingly, separate FIR bearing No.1134 dated 15.9.2022 was registered against him under Sections 166-A, 223, 224 read with Section 34 IPC. Few days later, i.e. on 22/9/2022, criminal proceedings vide FIR No.1170 were initiated against him under Section 25 of the Arms Act for taking photographs with the illegal weapon.

On 28/1/2023, the petitioner was arrested in the present case, who during the course of interrogation, confessed to his involvement in the commission of offence and got recovered the mobile phone used by him for taking obscene photographs of the '*victim*' i.e. his daughter in law. The car bearing registration No.HR-51-AE-3976 was also taken into possession. On culmination of investigation, challan was filed under Section 354, 354-D, 376, 376(2)(n) and 506 IPC.

Out of 15 cited prosecution witnesses, 10 stand examined including the '*victim*', who has supported the case of the prosecution.

In para No.13 of the status report, the past questionable antecedents of the petitioner have also been highlighted, who has remained involved in several criminal cases.

From the documents on record, it further stands established that the first petition i.e. CRM-M-431-2024 seeking similar relief filed before this Court was dismissed on merits vide orders dated 15.1.2025 whereas the second similar bail application i.e. CRM-M-31192-2025 was withdrawn by the petitioner on 3.9.2025.

5. Learned counsel for the petitioner contends that the petitioner aged about 44 years has been falsely implicated in the present case. Absolutely concocted allegations of sexual assault have been levelled against him by the '*victim*' i.e. his daughter in law.

Learned counsel for the petitioner further contents that in fact the present FIR is a counterblast to the matrimonial discord between the '*victim*' and the son of petitioner, both of whom had got married on 12.3.2018. On account of concealment of facts by the victim and her family members, the couple could not pull together. Efforts made to iron out the disputes did not yield any positive result. '*Victim*', of her own accord, left the matrimonial home in January 2021. When efforts made for reconciliation failed, son of the petitioner filed a petition seeking annulment of his marriage from the victim. It is only after filing of the said petition that the present FIR was registered, at the instance of the '*victim*' who concocted the facts by levelling absolutely frivolous and baseless allegations.

Continuing further, learned counsel contends that if the sequence of events had actually unfolded in the manner as portrayed by victim, there is no explanation forthcoming as to why she did not rebuff the petitioner at the earliest, raise any alarm or intimate the facts to her family members. Delay of approximately 1 ½ years in lodging the FIR suggests that facts have been twisted and a colored version has been portrayed.

It is further submission of learned counsel that since withdrawal of the second petition seeking similar relief from this Court on 3.9.2025, the petitioner has undergone 3 years and 2 months of custody. That apart, the

complainant, who is star witness of the prosecution story, already stands examined. Thus, there is no apprehension of the petitioner overawing the complainant or related witnesses, if extended the relief sought for.

When viewed in the light of submissions advanced hereinabove, learned counsel submits that further incarceration of the petitioner would be violative of Article 21 of the Constitution of India and the right to speedy trial.

6. Per contra, while opposing the grant of bail to the petitioner learned State counsel accompanied by learned counsel for the complainant submits that in the light of seriousness and gravity of the allegations levelled against the petitioner by the '*victim*', who is none else but his daughter in law, no case for taking a lenient view in his favour is made out.

That apart, learned counsel for the complainant submits that right from beginning, '*victim*' has been consistent in her stand, with regard to immoral act of petitioner. Even in her statement recorded on oath in the Court, she specifically pointed out the role played by the petitioner, who sexually assaulted her on several occasions and threatened her not to raise her voice. Learned counsel further contends that the petitioner, who escaped from the lawful custody of the police while he was being taken to hospital for medico legal examination, and in this regard is facing trial in case FIR No.1134 dated 15.9.2022 registered under Sections 166-A, 223, 224 read with Section 34 IPC, does not deserve to be released on bail, more so in the wake of his questionable past antecedents; he having remained involved in as many as 8 criminal cases.

Towards the end, both the learned counsel submit that out of 15 prosecution witnesses, since 10 have already been examined, thus the likelihood of trial being concluded in the near future is quite high. Dismissal of the petition has been prayed for.

7. I have heard the learned counsel for the parties and perused the material available on record with their able assistance.

8. Without advertng to the merits of the case, lest it may prejudice the mind of the trial Court, considering seriousness and gravity of the allegations levelled by the ‘victim’, who is daughter in law of the petitioner, as also taking note of his questionable past antecedents which stand highlighted in the earlier part of this judgment, no case for the grant of bail to the petitioner is made out. Accordingly, the petition stands dismissed.

Meanwhile, the learned trial Court is directed to expedite the proceedings and make all possible efforts to conclude the trial at the earliest.

(AARADHNA SAWHNEY)
JUDGE

July 14, 2026
rps

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