



CRM-M-52941-2024 (O&M)

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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52941-2024 (O&M)

Date of decision: 29.10.2024

NARESH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chakitan V.S. Papta, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. The petitioner is seeking grant of regular bail in case bearing FIR No. 297 dated 29.06.2022 registered under Sections 354-D, 376(2)(n) and 506 of Indian Penal Code at Police Station Sadar Sonapat, District Sonapat.

2. Brief facts of the prosecution case are that complainant/prosecutrix moved a complaint to the police alleging therein that about 4-5 months ago, accused Naresh (petitioner herein) called her to Sonipat. Thereafter, he took her from Sonipat to Panipat Hotel and committed rape with her and also made her nude videos. Accused-petitioner threatened her with dire consequences, if she tried to make any complaint to the police. After that he repeatedly committed rape with her after extending threats to her to make her nude videos viral. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and the petitioner has been in judicial custody since 30.06.2022 and no specific details of time and



registered after an inordinate and unexplained delay of 4-5 months and further the prosecutrix is a mature lady of 46 years of age having two children and she has even refused to get herself medically examined internally and the material witnesses have already been examined.

4. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that there are specific and serious allegations levelled against the petitioner and the prosecutrix has deposed before the learned trial Court and has reiterated her allegations. As such, the complicity of the petitioner is duly proved and he is not entitled to any relief by this Court. However, he could not controvert the fact that petitioner is behind the bars for more than two years and the prosecution has not been able to conclude its evidence.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 01.07.2022 i.e. for 02 years 03 months and 27 days as on 26.10.2024. Out of total 14 prosecution witnesses, only 09 has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. In view of the above, the present petition is allowed and the petitioner-Naresh is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

October 29, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No