



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-6597-2025 (O&M)
Date of decision: 20.02.2025

GAGANDEEP SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Anshuman Dalal, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Amit Kumar, Advocate for the complainant.

KIRTI SINGH. J.(Oral)

1. This is a petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.01 dated 04.01.2025 under Sections 74 and 75(2) of Bhartiya Nyaya Sanhita, registered at Police Station Jhansa, District Kurukshetra, Haryana.

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

“I, Akvinder wife of Arvinder Singh, resident of Mahesari Punjab presently Baba Deep Singh Gogpur, I had got Jasbir Kaur daughter of Bua married and Jasbir Kaur daughter of my Bua is living at Gurudwara Baba Deep Singh Shaheed Gogpur Dera Gurudwara Sahab with me. I have two children. Jasbir Kaur daughter of my bua had called Gagan Singh son of Sinder, resident of Bilona, near Assandh, District Karnal for 'Sewa' in Gurudwara, who served in the Gurudwara for three months. Jasbir Kaur got married Gagan Singh in the Gurudwara. During this period, Gagan Singh used to say to me



mata ji give sleeping tablet to Jasbir Kaur daughter of my bua in the night time and make illicit relation with me. I refused flatly to Gagan Singh then Gagan Singh with a bad intention caught hold of my arm and many times outraged my modesty. Gagan Singh in order to blackmail me under pressure made a video of me in order to bring a bad name to mother Jasbir Kaur and made it viral and forcibly teased me many times.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. Learned counsel for the petitioner further submits that now a compromise has been effected between both the parties. The petitioner has undergone an actual custody of 01 month and 14 days and is not involved in other criminal case.

4. Mr. Amit Kumar, Advocate appearing on behalf of the complainant has verified this factual aspect.

5. 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 01 month and 14 days and there is no other criminal case pending against him. He on instructions from the concerned investigating officer submits that challan was presented on 11.02.2024.

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

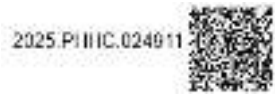
7. A perusal of the case in hand transpires that the petitioner is



behind the bars since 06.01.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 11.02.2024. The petitioner has undergone an actual custody of 01 month and 14 days and there is no other criminal case pending against him. The culpability, if any, would be determined at the time of 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 violate 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.

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

20.02.2025		(KIRTI SINGH)
amandeep		JUDGE
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No