



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

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CRM-M-6872-2025

Date of decision : 04.07.2025

Abhishek

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.P.S. Mann, Advocate with
Mr. Navjot Singh Sidhu, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.207 dated 19.07.2024, registered under Sections 376-D, 328, 376(2)(n), 384 & 506 of Indian Penal Code, 1860 at Police Station Manesar, District Gurugram.

2. As per the prosecution case, the complainant/victim lodged the present FIR against the petitioner and co-accused Kamljeet @ Kawaljeet with the allegations that she came in contact with co-accused Kamljeet @ Kawaljeet in a marriage. The petitioner and co-accused Kamljeet @ Kawaljeet called her in Manesar in the month of December where they took her into a Hotel and committed rape upon her. She alleged that they also made a video of this incident and threatened her to make it viral if she disclosed about it to anybody. She further alleged that the accused persons also took money and jewellery from her by



extending threats. She also alleged that due to continuous harassments, she also tried to commit suicide but saved by her family members. On these allegations, the present FIR was got registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case with ulterior motive. The petitioner was working in the shop of co-accused Kamljeet @ Kawaljeet as electrician helper and when the family members of the complainant came to know about the relationship of the complainant with the petitioner and co-accused Kamljeet @ Kawaljeet, they became furious and on 17.02.2024 at about 09:30 PM, they called co-accused Kamljeet @ Kawaljeet and abducted him and caused him beatings brutally. The said incident of abduction was captured in a CCTV camera installed in the street and with regard to the alleged incident, co-accused Kamljeet @ Kawaljeet got registered an FIR No.64 dated 20.02.2024, under Sections 147, 149, 323, 365, 506 IPC at Police Station Pataudi, against Aashu, Michu, Jaswant and Pardeep, who were the relatives of the complainant. He submits that the instant FIR is nothing but just a counterblast to the FIR lodged by co-accused Kamljeet @ Kawaljeet against the relatives of the complainant. He submits that the complainant has alleged that in the month of December, 2022, the petitioner and co-accused Kamljeet @ Kawaljeet took her to a hotel where they committed rape upon her, whereas, in her statement recorded under Section 164 Cr.P.C., dated 20.07.2024, she has stated that the accused persons committed rape upon her on 03.02.2023.

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4. Learned counsel for the petitioner further submits that earlier on the complaint submitted by the complainant, an enquiry was conducted by the Assistant Commissioner of Police, Manesar, District Gurugram, wherein it was concluded that the allegations levelled in the complaint have been found to be baseless. The said enquiry report was approved by the Deputy Commissioner of Police, Manesar, District Gurugram on 23.04.2024.

5. Learned counsel for the petitioner further submits that the similarly situated co-accused Kamljeet @ Kawaljeet has already been granted concession of regular bail by this Court vide order dated 09.01.2025 passed in CRM-M-62182-2024. The petitioner is in custody since 31.08.2024 and he is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of 17 prosecution witnesses, only 03 have been examined so far. The trial is likely to take a considerable time to conclude and, therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

6. Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner along with co-accused exploited the complainant/victim and, therefore, he does not deserve the concession of regular bail. However, she could not refute the factual position that out of total 17 prosecution witnesses, only 03 have been examined till date. She has also produced custody certificate dated 03.07.2025 which is taken on record. As per



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the custody certificate the petitioner is in custody for the last more than 10 months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of the petitioner, which is 10 months and 03 days and the facts that co-accused Kamljeet @ Kawaljeet has already been granted concession of regular bail by this Court vide order dated 09.01.2025; investigation in the present case has been completed, challan has been presented; charges have been framed and out of total 17 prosecution witnesses, only 03 have been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.07.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No