

CRM-M-7359 of 2025 (O&M)

2025:PHHC:132684



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

CRM-M-7359 of 2025 (O&M)

Date of decision: 23.09.2025

Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Prabhjot Kaur, Advocate,
for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

NAMIT KUMAR, J.

1. Instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No.235 dated 13.08.2023 registered under Sections 324, 326, 376, 458, 506, 201 IPC at Police Station Sadar Safidon, District Jind.
2. Present FIR has been registered on the complaint of prosecutrix on the allegations that her marriage was solemnized with Rahul at Village Kanhadi, District Fatehabad about five years ago and she is having two daughters. She was having dispute with her husband so she was residing with the petitioner in live-in-relationship. On 13.08.2023, she along with her children was sleeping in her house and at about 1.00 O' clock, petitioner entered into her house by scaling the wall and by putting sharp-edged weapon at her neck he committed rape

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upon her without her consent. After that, he attacked her on her lips with sharp-edged weapon due to which her lower lips got cut and fell on the land. He also threatened the prosecutrix with dire consequences. She raised alarm and after that her mother and other neighbor came there and after seeing them, petitioner fled away from the spot along with weapon while giving threat to kill her.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. She contended that the allegations made in the FIR are baseless and frivolous as the petitioner has not committed the alleged offence. She further submitted that after some dispute with her husband, prosecutrix herself had started living with the petitioner in live-in relationship. She further submitted that there are material contradictions in the statements of prosecutrix under Sections 161 and 164 Cr.P.C. and her deposition before the trial Court as PW1. She further contended that the present FIR has been got registered only to malign the image of the petitioner. She further contended that investigation in the present case is complete; challan has been presented on 03.01.2024 and charges have been framed. She further submitted that petitioner is in custody since 04.09.2023 and he is not involved in any other case; conclusion of trial may take a considerable time, therefore, no useful purpose would be served by detaining the petitioner behind bars.

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4. *Per contra*, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature and there is every possibility that after being released on bail, the petitioner may influence the prosecution witnesses of the present case. She has also filed custody certificate dated 22.09.2025 which is taken on record. As per the custody certificate, the custody period of the petitioner is 02 years, 18 days.

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

6. According to prosecution on the intervening night of 13.08.2023, petitioner after scaling the wall of the house of the prosecutrix and after putting sharp-edged weapon on her neck committed rape upon the prosecutrix and thereafter he chopped off the lower lip of the prosecutrix. As per the MLR, the injuries suffered by the prosecutrix are of grievous nature. Even in his disclosure statement, the petitioner has admitted his guilt and stated that he had thrown the knife used in committing the offence into the paddy fields.

7. In ***State of Karnataka v. Krishnappa, 2000(4) SCC 75***, Hon'ble Supreme Court has cautioned the Courts while dealing with the cases of sexual crime against women in the following words:

"Sexual violence apart from being a dehumanizing act is an unlawful intrusion of the right to privacy and sanctity of a female. It is a serious blow to her supreme honour and offends her self esteem and dignity. It degrades and

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humiliates the victim and where the victim is a helpless innocent child, it leaves behind a traumatic experience. The Courts are, therefore, expected to deal with the cases of sexual crime against women with utmost sensitivity. Such cases need to be dealt with sternly and severely."

8. It is a trite law that the offence under Section 376 IPC is a heinous crime, which cannot be viewed with leniency. Sexual assault not only causes physical and emotional injuries but leaves a scar on the most cherished dignity, honour, reputation and chastity of a woman, therefore, needs to be dealt with utmost sensitivity.

9. The accusations against the petitioner are of a grave and heinous nature, involving forcible entry into the house of the prosecutrix at night, commission of rape, and infliction of grievous injury with a weapon, coupled with threats to her life. At this stage, the testimony of the prosecutrix, duly corroborated by medical evidence, cannot be lightly brushed aside. The alleged minor contradictions or improvements in her versions are matters to be seen at the trial and cannot be a ground to discard her statement for the purpose of bail. Further, the seriousness of the allegations, the brutality of the act, and the possibility of the petitioner influencing the prosecutrix or her family members outweigh the grounds stated for release. The mere fact of custody, when the trial is already underway, does not by itself entitle the petitioner to bail. Moreover the Hon'ble Supreme Court in *X v. State of Rajasthan 2024 INSC 909 : 2024 SCC Online SC 3539*, has categorically held that in cases involving heinous offences such as rape,

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the testimony of the prosecutrix cannot be lightly discarded at the stage of bail, and that alleged contradictions or improvements in her statements are matters to be tested during the course of trial. It has further been observed that mere passage of custody period, once the trial is in progress, is not a sufficient ground to enlarge an accused on bail.

- 10. In view of the above, the present petition is dismissed.
- 11. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

23.09.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No