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

Sr. No.216

**CRM-M-8595-2025 (O&M)
Date of decision : 30.07.2025**

Dheeraj Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sudhir K. Hooda, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Sanyam Khetarpal, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.922 dated 22.11.2024 under Sections 64(2)(M), 75(2) & 351(3) of BNS, 2023, registered at Police Station Palla, District Faridabad.

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

“Statement of XXXX W/o Anil r/o H.No.278, Gali No.9, Jagmal Enclave, Palla, Faridabad, aged 35 years, education 10th, 7065657139. Stated that I am resident of above said address and there is provisional shop in my house and I run the shop. I have three children. The elder son is Preet, aged 19 years, daughter Sarika, aged 17 years, daughter Yashika, aged 6 years. My husband has his own safety tank work. In the month of March, 2024, I received a phone call one day and they told that he was talking from AU finance. I refused and he told his name as Dheeraj. In the month of March, 20245, one day, Dheeraj came to my shop and he told his name as Dheeraj and said that he had come with regard to loan. I refused. He asked to

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become a friend. Thereafter I told that I am married and mother of children. He forcibly misbehaved and touched my breast. I scuffled with him. He threatened me that he would get killed my children and my husband, if I would not talk to him and he went away from there. He started harassing me by calling from different phone numbers. On 31st May, 2024, Dheeraj arranged loan in the name of my shop. Loan was of Rs.5 lakh 25 thousand. Thereafter Dheeraj told me that he had arranged loan for me and to give the same to him, otherwise, he could do anything. Thereafter, out of fear, I gave Rs.4 lakh 60 thousand to Dheeraj in Bhadarpur. Thereafter, we used to talk with each other. He called me at different places and I used to go. On 2nd October, 2024, Dheeraj made physical relations with me forcibly in Nehru Place 134 Society and took Rs.1.5 lakh in cash from me. Earlier, Rs.3 lakh was given to Dheeraj in September in Roshan Nagar Bazar. Thereafter, I kept my jewelary in the bank and took loan of Rs.2 lakh 70 thousand from Cafri Gold Loan, Jaitpur and gave the same to Dheeraj. On 14th September, 2024, I gave Rs.1.5 lakh to Dheeraj in Sarai Khwaja. On 17.10.24, I sent Rs.10,000/- to Dheeraj's phone through Phone Pay from my phone, Rs.3500 through Phone Pay to Dheeraj on 15 September, 2024 and Rs.10,000/- through Phone Pay to Dheeraj's phone on 19 October. On 9 November, 2024, Rs.3000/- were again given to Dheeraj. Rs.20,000/- were taken through Google on 3rd November 2024, Rs.16000/- through Phone Pay to Dheeraj's phone on 11 November, 2024. Thereafter on 12.11.24, Dheeraj made physical relations with me forcibly in his house. I gave Rs.6.5 lakh out of the cash of my husband and Dheeraj gave me two month's time and he would deposit the E.M.I. of remaining loan amount and would get release my gold. Legal action be taken against him. I have got recorded my statement. heard it, which is correct. Sd/- XXXX"

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the prosecutrix. In actuality, it was the prosecutrix who had called the petitioner

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at the place of the alleged occurrence, and when the petitioner was paying money to the prosecutrix, five of her accomplices came from behind and abducted the petitioner, whereafter the petitioner was taken to an isolated location and given beatings. A complaint was thereafter moved by the petitioner on 18.11.2024, on which basis an FIR was subsequently registered. It is submitted that as a counter-blast to the same, the prosecutrix got lodged the present FIR. Even otherwise, there is a delay of 10 days from the date of the alleged second incident in registration of the FIR, no plausible explanation for which has been put-forth. Rather, the complainant-prosecutrix has turned hostile before the learned trial Court. The petitioner has undergone an actual custody of 08 months and 07 days.

4. Learned counsel for the complainant has not controverted the factum of the complainant having been declared a hostile witness by the learned trial Court.

5. 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 08 months and 07 days and is involved in other criminal case. He on instructions from the concerned investigating officer submits that charges were framed on 18.07.2025 and out of a total of a total of 17 prosecution witnesses, 01 has been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

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7. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 23.11.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 17 prosecution witnesses, only 01 witness has been examined so far. The complainant has turned hostile during the course of trial. 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 violative 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.

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(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.

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

(KIRTI SINGH)
JUDGE

30.07.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No