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

Sr. No.218

**CRM-M-10433-2025 (O&M)
Date of decision : 15.07.2025**

Kuldeep

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Yadav, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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.175 dated 16.08.2024 under Section 69 of BNS, 2023, registered at Police Station Dujana, District Jhajjar, Haryana.

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

“To SHO Sir, Police Staton Dujana. It is requested that I xxxx wife of Krishan is resident of village Dujana, District Jhajjar. That my husband passed away five years ago due to ill and I am having two girls and one son. I became friend of Kuldeep son of Dharmpal resident of village Dujana three years ago. On the pretext of marriage, Kuldeep used me. In the first week of July, Kuldeep came to my house and on the pretext of marriage, he made relations with me. He kept saying that he will take responsibility of my children and adopt them due to which I got defamed in my family. Legal action should be taken against Kuldeep son of Dharampal and justice be given to me. I have got my application written and presented it to you. RTI

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Karanti wife of Krishan resident of village Dujana. Mob. 7988605707.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the complainant alleging therein that the petitioner established physical relations with her on the false pretext of marriage. The petitioner and the victim were in a consensual relationship for the past 3-4 years. He further submits that as per MLR, there is no injury on the person of the prosecutrix. The victim/complainant has been examined and her statement stands recorded by the learned trial Court. Learned counsel submits that the petitioner has undergone an actual custody of 10 months and 27 days and is not involved in any other criminal case.
4. *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 10 months and 27 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 15.01.2025 and out of a total of 17 prosecution witnesses, 04 witnesses have 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.
5. Heard the rival submissions made by learned counsel for the parties.

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6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 18.08.2024. 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 04 witnesses have been examined so far. The victim/complainant has been examined by the learned trial Court. 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.***

7. 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.

8. 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.

9. 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

15.07.2025

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No