

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

(228)

CRM-M-11335-2025 (O&M)

Date of Decision: 20.11.2025

RAHUL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ashok Arora, Advocate for the petitioner.

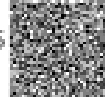
Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

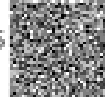
1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.113 dated 12.09.2023 under Sections 34, 342, 376(2)(n), 377, 354, 354-C and 506 of IPC, registered at Police Station Women Police Station, Hissar, District Hisar.

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

“To, Shri Ganga Ram Poonia (IPS) Superintendent of Police, Hisar, Haryana. Subject Application for initiating legal action for committing rape against my will, for making false promise to marry, for recording objectionable video and blackmailing and for ruining my married life. Sir, it is requested that I am xxxx daughter of Karamvir, aged 30 years resident of 247 FGF, Captain Satish Marg, Rani Bagh, Northwest Delhi and I request as under That I married in village Budha Khera of Uklana Mandi in district Hisar and I used to work in a shop and in the same shop, a boy namely Rahul of a nearby village Bithmara also used to work. The relation between my husband and I was not cordial which fact was also in the knowledge of shop owner and other employees in the shop. Taking benefit of this fact, one day Rahul told me that there is some work of the shop and that I would send my friend Naveen on a motorcycle and asked me to come to the village with him. So I went to his village on his request. There I met another boy and he told me that he is his brother Amarjeet. He took me to the upstairs room of the house. Naveen, Rahul's friend and Amarjeet, who was introduced to me as Rahul's brother also came upstairs. As soon as Rahul and I entered the room, Amarjeet and Naveen bolted the door from outside and Rahul forcibly raped me. I tried very much to save myself but he forcibly



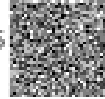
raped me and after some time, Rahul made a phone call and got the door opened. I told him he should not have done this good, to which he said not to tell anyone and showed me that the phone recorded a video and your video has been recorded. I will send it to everyone. I got scared and kept my mouth shut. After that he asked me to leave. And Naveen came to drop me on the bike. I asked him to drop me at my house instead of the shop and I stayed at home for two days. Somehow, I controlled myself and started going to the shop and when no one was looking, he started harassing and blackmailing me and told me to come to the village again. In the meanwhile, the dispute between my husband and I increased and I went to my mother's house at the aforementioned address. Even then, Rahul used to call and message me. I did not know what to do. After some time, I started working at Midha Company in Manesar, Gurgaon. I don't know how he found out and Rahul also started working there and there also he started to blackmail me again. He came to my room where I used to stay and told me that he would marry me and live with me. Your husband does not live with you. I tried to refuse but he said that I will make your video go viral. He kept working for about 1 year and 6 months with me in the same company where I was working. He used to come to my room at night and committed rape and unnatural relations upon me again and again. When I asked him about marriage, he told me that he would talk to his family. During this he used to go to his village time and again for 15-20 days at a time. Now he told me that he would marry me and asked me to divorce my husband. So I talked to my husband and other relatives about divorce since we were living separately for a long time. When I was fed up, I narrated the entire incident to my cousin brother, Sunil (mother's sister's son) resident of Safidon, that brother, all this happened to me. My brother asked me why were you silent. Why did you not tell me earlier? And he asked to talk to Rahul. Rahul told him that he would marry me. My brother suggested that I should marry him if he is willing. But, Rahul, you have done wrong. One day, a woman came to our room but at that time, Rahul was not there. She asked if Rahul lives there. I told her that he does live here. There was also a man with the woman. The woman asked me to leave Rahul alone otherwise they would kill me. They clicked photos of Rahul's clothes and shoes and went away. Thereafter, I tried calling Rahul but the call could not connect. In the meanwhile, my husband and I got divorced with mutual consent in front of the panchayat and it was decided that in future we would live separately and that both our children would live with my husband. Again Rahul called me on WhatsApp and told me that he would come soon. I waited. I received a phone call through which I came to know that Rahul has married a girl. That girl also threatened me with dire consequences. She told me that her name was xxxxx and that she is Rahul's wife. On 05.09.2023, after getting fed up, I went to Sarpanch of Rahul's village and narrated the entire story to him. After which, the Sarpanch called Rahul and his family members. Rahul admitted the entire incident and confessed to his wrongs. Rahul said that I have gotten married. Sarpanch said to talk to a family member so I arranged a conversation between my cousin brother Sunil and the Sarpanch. I came back to the askance of the Sarpanch. The village Sarpanch also scolded Rahul after which I gained confidence. Sir, it is



my request to you to take strict action against all the aforementioned and justice be done with me. Rahul has ruined my life as well as cheated on the girl who he married and ruined both our lives. Justice be done with me. I have no real brother and my father has already died. My mother is old. After coming to know about all this, my mother is also throwing me out of the house. Now I hope for justice from you. The phone number of the accused is 708212xxxxx, 93501xxxxx. The phone number of Rahul's father is 94673xxxxx. Applicant xxxxx daughter of Late Sh. Karamvir 247 FGF Captain Satish Marg, Rani Bagh, Northwest Delhi 110034. Mob 86073xxxxx. Xx”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR on the statement of the prosecutrix. It is submitted that the prosecutrix, a mature lady of over 30 years of age, was married and with two kids, at the time when she met the petitioner, who was then all of 21 years of age. As such, the possibility of establishing physical relations on the false pretext of marriage does not arise. The nature of relation between the parties was consensual throughout. It is the further submission that there is a considerable delay of about two years, from the first instance of the alleged occurrence. Furthermore, a bare perusal of the FIR reveals that only vague and generic allegations have been levelled against the petitioner. It was only when the petitioner performed marriage with some other girl, that the present FIR was lodged by the prosecutrix against the petitioner. The material witness i.e. the prosecutrix has been examined. Furthermore, as per zimni orders, the prosecution witnesses are not coming forward to record their testimony before the learned trial Court despite service. The petitioner, a man of clean antecedents, has already undergone an actual custody of 2 years, 1 month and 28 days.

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 2 years, 1 month and 28 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The trial of the case has not made much progress, as charges were framed on 28.03.2024 and out of a total of 13 prosecution witnesses, only one has been examined. 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.

6. Admittedly, the charges were framed on 28.03.2024 and out of total 13 prosecution witnesses, only the prosecutrix has been examined till date. The petitioner has undergone actual custody of 2 years, 1 month and 28 days, and there is no other criminal case registered against him. The veracity of the allegations leveled against the petitioner shall be established during the course of the 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.
 - (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.
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

November 20, 2025
Ithlesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No