

2025:PHHC:046448



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

Sr. No.208

CRM-M-11183-2025 (O&M)
Date of decision : 04.04.2025

Rakesh Sharma

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. KDS Hooda, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been invoked for grant of regular bail to the petitioner in case FIR No.0456 dated 10.11.2024 under Sections 74, 76, 115(2) & 126(2) of BNS, 2023, registered at Police Station Ladwa, District Kurukshetra

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

'To the SHO Ladwa, Sir, it is submitted that I Ruby Devi wife of Soni is the resident of Village Bir Khairi. Subject: I Ruby was coming home from my shop and on the way Rakesh Sharma stopped me when I was coming and used force upon me and tried to drag me and he touched my private parts and tried to touch his mouth on my private parts. I any how tried to save myself. And he has torn of my cloths. When I shouted, then number of people of the village collected there and saved me. I immediately called on 1091/and 112 and the police after reaching injuries saved me. I received some on my person and he harassed me. I was brought to the hospital by my family members. Sir, earlier also he has misbehaved with Kindly me.

2025:PHHC:046448



deliver justice to me and strict legal action be taken against him. I shall be very thankful to you. Sd/ Ruby Devi."

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. It is submitted that the petitioner is a physically handicapped person inflicted with polio in his leg because of which he not able to walk without the help of the crutches. The petitioner is a single parent, having three minor children in his care and custody. It has also been argued that the present FIR is counter-blast to the FIR No.0432 dated 25.10.2024 (Annexure P2) in which the son of the complainant is a co-accused. He further submits that the petitioner has undergone an actual custody of 02 months and 24 days and there is no other criminal case registered against him.

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 02 months and 24 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that challan has been presented on 06.02.2025 and charges are yet to be framed. He however, 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.

2025:PHHC:046448



6. A perusal of the case in hand transpires that the petitioner is behind the bar since 10.01.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned 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 violate 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.

2025:PHHC:046448



- (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

04.04.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No