



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

228

CRM-M-12090-2025(O&M)

Decided on : 29.05.2025

PAWAN KUMAR

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Rohit Mittal, Advocate and
Mr. Monu Sharma, Advocate
for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.83 dated 17.12.2024 under Sections 328, 376(2)(n), 506, 120-B of IPC, registered at Women Police Station, Narnaul, District Mahendergarh.

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

“To, SHO Women Police Station, Narnaul. Subject: Complaint regarding drug abuse and physical exploitation by luring and threatening to kill. Sir, I request that I am xxxxxx, caste Ahir age 24 years and resident of village Mandana, Tehsil Narnaul, District Mahendergarh Haryana. Sir, I started dating in 2019. One day suddenly this boy Pawan son of Sudhir meets me at the bus stand and makes me a cold drink. After drinking the cold drink, I become unconscious. When I gain consciousness, I am found in Hotel Narnaul. During that time he took my photo. This incident is of 14.09.2022. Later, he blackmailed me and made me take the photo and then said that if you tell anyone, then you will make the photo viral. Due to that I did not tell anything to anyone, after that he started calling me repeatedly through blackmail. If I refused to do anything, he threatened to attack me with acid. After that, talks of my marriage started, so I told everything to my family members, during that time my uncle, brother, and maternal uncle went to convince Pawan boy. He got all my photos deleted and the boy refused to send me mails. During this time my marriage was arranged somewhere else. Just a few days ago on 13-12-2024, Pawan son of Sudhir Yadav, Majra Rajasthan, went to his in-laws house in Nangal and showed my photo over the phone and told everything about me and



Pawan. Pawan has committed a big mistake. by doing this. In this, uncle, aunt and Manudev uncle and her wife supported the Pawan. Strictest legal action should be taken against them.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that there is an unexplained delay of more than 02 years in the registration of the FIR. It is submitted that the prosecutrix had refused to undergo medical examination. There is no evidence on record, medical or otherwise, to substantiate the allegations levelled against the petitioner. Reliance is also placed on the statement of the prosecutrix made before the trial Court as PW-3 wherein she admitted that she had accompanied the petitioner to a hotel on about six occasions. He further submits that the petitioner has undergone an actual custody of 05 months and 01 day and there is no other case registered against him.

4. Learned State counsel has opposed the present petition, arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has place on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 01 day and there is no other case registered against him. He on instructions submits that charges were framed on 13.03.2025 and out of a total of 13 prosecution witnesses, four has been examined till date.

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

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 28.12.2024. The final report under Section 173 Cr.P.C. was presented before

**CRM-M-12090-2025(O&M)****- 3 -**

the concerned Court and trial of the case has not made much progress as out of 13 prosecution witnesses cited, four stand examined so far. Therefore, the trial in the present case will not conclude anytime soon. 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.
- (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 her 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.



CRM-M-12090-2025(O&M)

- 4 -

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

(KIRTI SINGH)
JUDGE

29.05.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No