



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

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CRM-M-13312-2025

Date of decision : 04.07.2025

Rammehar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.556 dated 17.08.2024, registered under Sections 328, 376(2)(n) & 406 of Indian Penal Code, 1860 at Police Station HTM Hisar, District Hisar.

2. Brief facts of the case are that on 17.08.2024, the prosecutrix made a complaint to the police alleging therein that she became friend with accused-Rammehar (the present petitioner) through Facebook. The accused told her that he was unmarried and wanted to marry her. On her birthday on 11.09.2018, the accused called her to Jannat Cafe, Nagori Gate, Hisar, where he mixed some intoxicating substance in her juice. After drinking the same, she became unconscious and the accused made a physical relations with her against her will. Thereafter, the accused again raped her by threatening her that in case she refused, he would make her nude video viral. Due to which she



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became pregnant and on 26.09.2020 she gave birth to a girl child. A day prior to delivery, the accused withdrew Rs.1,00,000/- from her bank account through cheque No.368222 dated 25.09.2020. He took her daughter with him on the pretext of taking her out for a walk and after that he never met with her daughter. Thereafter, the accused flatly refused to marry her and said that he is already married. When she pressurized the accused to marry her, he demanded Rs.1,80,000/- for the same. On which she gave a cheque to the accused. He also took her gold and silver jewellery worth about Rs.10-12 lakh on false assurance of marriage. On the basis of the said complaint, the instant FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. In nutshell, the allegation against the petitioner is that he refused to marry the prosecutrix and had physical relations with her. He has referred to the live-in-relationship deed dated 17.08.2022 (Annexure P-2) entered into between the petitioner and the prosecutrix, wherein it has been stated as under :-

“In pursuance of this live in relationship the parties herein have agreed that marriage of first party shall be dissolved and none of the parties hereto shall have any matrimonial cause or claim against each other.”

4. He has also referred to the affidavit of the prosecutrix (Annexure P-3) in support of live-in-relationship and relevant portion of the same reads as under :-

“xx

xx

xx

xx

xx



5. *That Rammehar was married to Manjeet daughter of Raj Kumar resident of village Nahla, District Fatehabad on 21.12.2013. That from this marriage the girls Rachna age is 07 years and Rakshith age is 06 years.*

xx xx xx xx xx

8. *That there is no pressure on me from Rammehar or any other person in his family to live in a live-in-relationship. I will live in a live-in-relationship with Rammehar with my consent without any fear.”*

5. Learned counsel for the petitioner further submits that the relationship between the petitioner and the prosecutrix was consensual and since the petitioner was already married, therefore, there was no question of giving any promise of marriage to the prosecutrix. In support of his contention, he has placed reliance upon the judgment passed by Hon'ble Supreme Court in ***Prashant Vs. State of NCT of Delhi : 2025 AIR (Supreme Court) 33***, wherein the Hon'ble Supreme Court has quashed similar kind of FIR in which also the allegation was false promise of marriage and it was held that once the relationship found to be consensual, the question of false promise of marriage does not arise. He further submits that the petitioner is in custody since 01.11.2024 and he is not involved in any other case. He also submits that the investigation in the present case is complete; challan stands presented and out of total 23 prosecution witnesses, only 01 i.e. prosecutrix has been examined so far. The trial is likely to take a considerable time to conclude and, therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

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6. Per contra, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. However, she could not refute the factual position that out of total 23 prosecution witnesses, only 01 i.e. prosecutrix has been examined till date. She has also produced custody certificate dated 03.07.2025 which is taken on record. As per the custody certificate the petitioner is in custody for the last 08 months and he is not involved in any other case.

7. I have heard learned counsel for the parties and perused the record.

8. Keeping in view the custody period of the petitioner, which is 08 months and the facts that investigation in the present case has been completed, challan has been presented; charges have been framed and out of total 23 prosecution witnesses, only 01 has been examined so far; the petitioner is not involved in any other case and the trial may take a considerable time to conclude, therefore, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The petition stands disposed of accordingly.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.07.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No