



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

222

**CRM-M-13284-2025(O&M)
Decided on : 18.03.2025**

ANIL

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Saksham Malhotra, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.350 dated 14.08.2023 under Sections 376D, 376(2)(N) and 506 of IPC, registered at Police Station Kaithal City, District Kaithal.

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

“To The S.H.O., Police Station City, Kaithal. Sir, It is submitted that I, Anjali daughter of Darshan, is a resident of Deha Basti, Jakhauli Adda, Kaithal. I have studied upto 5th standard. I received a phone call about two months back from one Anil, resident of Gurgaon, who told me that your contact number has been given to me by Govinda son of Debu, resident of Jakhauli Adda, Kaithal and I want to have friendship with you. I came under the impression of said Anil and started chatting with Anil. Then on 01.08.2023, said Anil came to Jawahar Park, Kaithal to meet me. Our landline phone, fitted at home, was running out of order on that day. Govinda made me have a conversation with Anil on his phone. I told Anil that since it is night, so I can't come at this time. On this, Anil went to say that I have talked to Govinda, who will bring you to me. Hence on having been asked by Anil, I left the home with Govinda on his motorcycle in order to meet Anil, without giving any intimation to my family members and arrived at Jawahar Park, Kaithal. Thereafter, Anil & Govinda brought me to the ruins, adjacent to Jawahar Park, where Anil made physical relations with me against my wish. I told him that I will disclose the entire matter to my family members, on which he assured me that I will perform marriage with you, just come with me to Gurgaon. I came under the influence of Anil. Govinda dropped



me & Anil at Bus Stand, Kaithal, however we could not get any bus for Gurgaon. Later we boarded a train going to Patran, in which I left with Anil. Then Anil further brought me from there to Rajiv Colony, Gurgaon on a Bus. On arriving at home, said Anil made physical relation with me a number of times against my wishes and also threatened time & again to kill me. Then on 07.08.2023, I somehow managed to get a Mobile phone and narrated the matter to my Bua Sardari, on which my mother Mahindro and other family members brought me back to home from Gurgaon. Govinda intentionally gave my contact number to Anil and got me into being physically abused under a well planned conspiracy. It is therefore humbly prayed that stern legal action may be taken against said Anil & Govinda.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He contends that the petitioner and the complainant were in a consensual relationship. Additionally, as per the MLR, no injuries were found on the body of the prosecutrix, or even on the body of the petitioner. Learned counsel further places reliance on the FSL reports dated 14.08.2023 and 15.09.2023, annexed as Annexures P-2 and P-3 to buttress his submissions. He submits that the prosecutrix had willingly stayed with the petitioner at his matrimonial home in Gurugram from 02.08.2023 to 07.08.2023, during which time the petitioner's wife was also residing with them. He further submits that the petitioner has undergone an actual custody of 01 year, 06 months and 03 days and there is no other case registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. 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 01 year, 06 months and 03 days and there is no other case registered against him. He on instructions submits that charges were framed on 04.01.2024 and out of a total of 17 prosecution witnesses, only one has been examined



till date. 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.

6. A perusal of the case in hand transpires that the petitioner is behind the bars since 15.09.2023. 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 has been 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 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.
- (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.

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

(KIRTI SINGH)
JUDGE

18.03.2025

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*