

CRM-M-15099-2025

1

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

CRM-M-15099-2025

Date of decision: 27.05.2025

SHUBHAM ALIAS SUBHAM KUMAR**....Petitioner****Versus****STATE OF HARYANA****....Respondent****CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Ajay Chaudhary, Advocate
for the petitioner.

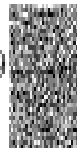
Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioner-Shubham alias Subham Kumar has filed 2nd petition under Section 483 of BNSS, 2023 for grant of regular bail in FIR No.53, dated 23.07.2022, under Sections 376(2)(n) and 323 of IPC, registered at Women Police Station, Hisar, District Hisar (Annexure P-1).

2. As per facts of the case, prosecutrix 'M' give her statement that she had gone to the mobile shop of Shubham and thereafter they started talking to each other. He promised to marry her. He further suggested that they will convince their families for this marriage. He took her to Vardaman Hotel where he committed wrongful act with her. Thereafter, she was again taken to I-CAN Hotel. Later on, she came to know that Shubham was already married and he cheated on her. She went to his house to confront him but she was pushed out of the house. With these allegations, present FIR has been registered.

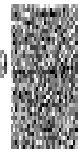
3. Learned counsel for petitioner argued that he was arrested in this case on 30.08.2022 and till date he is behind the bars. His first regular



bail application was declined by the Coordinate Bench in CRM-M-8565-2023 vide order dated 30.08.2024 (Annexure P-2). At present, the prosecutrix has already expired. Conclusion of trial may take long time. He is ready to abide by the terms of bail order, therefore his second regular bail petition may be allowed.

4. Status report has been filed. Learned counsel representing State pointed out that there are specific serious allegations against the petitioner. Initially, the complainant had refused for her medical examination but later on she consented for her medical examination and copy of her MLR is Annexure R-1. The statement of prosecutrix recorded under Section 164 Cr.P.C. is Annexure R-2. It is confirmed that petitioner was arrested on 30.08.2022. During the pendency of present case, the prosecutrix passed away and regarding her death, FIR No.380 dated 31.08.2022 was lodged by her brother under Sections 302 and 34 of IPC. After completion of investigation, cancellation report was submitted which was not accepted by learned Judicial Magistrate, Hisar and recommended for further investigation. In the case in hand, challan was presented on 21.11.2022 and 8 prosecution witnesses have been examined and the case is pending for remaining prosecution evidence. Considering the gravity of offence, regular bail petition is opposed.

5. I have considered the arguments and have gone through the record carefully. Petitioner is behind the bars since 30.08.2022. The prosecutrix has expired. Till date, 8 prosecution witnesses have been examined and prosecution is yet to conclude the remaining evidence. Much time has been consumed to conclude the trial. Petitioner cannot be kept behind the bars for indefinite time period. Merits of the case will be



CRM-M-15099-2025

3

decided by the trial Court. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by the petitioner – Shubham alias Subham Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

27.05.2025
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |